

REVEREND ERIC HOOKER

called as a witness on behalf of the State of Texas, and
having been previously sworn, testified as follows, to-wit:

DIRECT EXAMINATION

BY MR. FEAZELL:

Q For the record, your name is Reverend Eric Hooker?

A That's correct.

Q You live here in Waco, Texas?

A That's correct.

Q I believe you are pastor of one of our churches here in
Waco?

A Yes, sir.

Q Which church is that?

A Second Missionary Baptist Church.

Q And, also, you work for Congressman Marvin Leath?

A That's correct.

Q Reverend Hooker, were you the Foreman of the Grand Jury
in November, 1983?

A I was.

Q And is that the same Grand Jury, Reverend Hooker, that
returned an indictment of Capital Murder against David
Wayne Spence?

A It was the same Grand Jury.

Q And that was in the death of Jill Montgomery?

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A That's correct.

Q Now, Reverend Hooker, as a result of what the Grand Jury heard, and the investigation that the Grand Jury did, were you, as Foreman -- I'm going to ask you to speak for the Grand Jury -- were you able to determine the exact nature of the weapon used in the death or -- let me ask it this way -- were you able to determine what weapon, which weapon, which exact weapon was used?

A No. We were not able to determine that particular.

Q All right. Did you look into, Reverend Hooker, whether there had been a concerted effort to determine what the weapon was?

A We did. I think I had raised a question myself about that. Yes.

Q All right, sir. Did you determine that there was a concerted effort, or that there was not?

A There was a concerted effort. At the time, we questioned the person with us.

O Okay.

A And we could not determine which weapon it was.

O All right. But you did determine that there was a concerted effort on the part of the investigators to try to find out what weapon was used?

A It was, yes, sir.

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Q Okay. And did the Grand Jury look into, Reverend Hooker, whether -- did the Grand Jury determine that the weapon was unknown?

A We did determine it was unknown; yes.

Q Okay. Did you determine, Reverend Hooker, whether or not further investigation would have determined the exact weapon?

A We discussed that, but we determined that, no matter how much investigation would have been pursued in that case, that they could not have found -- unless somebody presented the weapon to them -- that investigation would have done it.

Q So, it was your determination, that further investigation would not have determined what the weapon was?

A That's what we concluded. Yes. That's right.

Q Okay. Was it determined, Reverend Hooker, that the weapon used in the killing of Jill Montgomery was a sharp instrument?

A It was determined that; yes. We all concluded that.

Q All right. So, then, what the Grand Jury determined, sir, was that the weapon used was a sharp instrument, to the Grand Jury unknown?

A That's correct.

MR. FEAZELL: Pass the witness, Your Honor.

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CROSS EXAMINATION

BY MR. HUNT:

Q Reverend Hooker --

A Yes, sir.

Q -- do you recall what the investigation was, to determine what weapon was used?

A Well, all we recall is, that it was a lengthy investigation.

Q Okay.

A They had gone everywhere, questioned people, and gone out to the place where it allegedly happened, in trying to find it. All that could be done, we determined, was done.

Q Okay.

A To find -- to secure the weapon again.

Q Are you saying, trying to secure the particular, specific weapon?

A That's correct, sir.

Q All right. Did the Grand Jury hear any evidence from Dr. Mary Gilliland, the lady doctor who performed the autopsy?

A No.

Q Okay. Did you examine her autopsy report?

A No.

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Q Okay. Do you remember which specific officer -- if the officer testified to the Grand Jury -- which specific officer testified about what the weapon was that was used?

A I don't know exactly the specific officer. But they did present, you know, that it was a sharp weapon, instrument, used in the particular alleged killings.

Q I guess it was, judging by the facts that the people were stabbed to death, it had to be a sharp weapon?

A That's correct.

Q Does that sound reasonable?

A That's correct.

Q And, basically, they told you that they didn't know which specific weapon it was?

A That's correct.

Q Is that fair?

A Yes, sir.

Q And that it would be impossible to tell which of two knives, for instance, was used?

A Impossible to tell which weapon it was.

Q Okay. Would it be safe to say it was a knife?

A I don't know about that.

Q You're just not sure?

A No. Not sure. But we do know it was some type of sharp

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instrument.

Q Okay. All right.

MR. HUNT: We'll pass the witness, Your Honor.

THE COURT: Any other questions?

MR. FEAZELL: No further questions, Your Honor.

THE COURT: All right.

Reverend Hooker, you may step down. Thank you very much.

THE WITNESS: Thank you.

MR. FEAZELL: May this witness be excused, Your Honor?

THE COURT: You're excused.

THE WITNESS: Thank you.

MR. FEAZELL: Your Honor, Reverend Hooker was our last scheduled witness for the day.

THE COURT: All right.

Ladies and Gentlemen of the Jury, we'll stand in recess, and we will stand in recess until 9:00 o'clock in the morning.

Let me again caution you again to specifically keep in mind the instructions that I have given you, all of those instructions.

You're excused until 9:00 o'clock in the morning.

(Whereupon, Court was recessed
(until June 20, 1984, at which
(time, the proceedings were
(reported by Deputy Official
(Court Reporter Janice Vick.

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