

1 THE COURT: Thank you, Ms. Lopez. You may
2 go on home or to work or something.

3 A. Okay.

4 THE COURT: Thank you for coming down.

5 A. Okay.

6 Q. (BY MR. PONTON) One other question, if you
7 could just answer it.

8 Was the grand jury told that the man who
9 investigated the death of Librada Apodaca was the
10 nephew of Librada Apodaca, that the police sergeant
11 in charge of the investigation and the police
12 sergeant who took Mr. Lucas' confession was Librada
13 Apodaca's nephew? Was the grand jury told that?

14 A. I don't think so. I learned that afterwards.

15 MR. PONTON: Okay. That's all.

16

17 DANIEL C. PETRY,

18 having been first duly sworn by the Court to tell the
19 truth, the whole truth, and nothing but the truth,
20 was examined and testified as follows:

21

22 DIRECT EXAMINATION

23 BY MR. PONTON:

24 Q. Please state your name.

25 A. Daniel C. Petry.

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1 THE COURT: What, now? Say it again, please.

2 A. My name is Daniel Petry.

3 Q. (BY MR. PONTON) How do you spell that?

4 A. P E T R Y.

5 Q. Mr. Petry, were you a member of the

6 September 1984 grand jury for the 34th Judicial Court

7 of Texas?

8 A. I was.

9 Q. Were you a member of that court -- of that

10 grand jury when it returned an indictment against

11 Henry Lucas?

12 A. I was.

13 Q. Were you present when Henry Lucas came and

14 testified before the grand jury?

15 A. I was.

16 Q. At any time before or after Henry Lucas

17 testified before that grand jury were you told that

18 Henry Lucas had previously confessed to killing a

19 woman in eastern Louisiana the day before Mrs.

20 Apodaca was killed?

21 A. I don't remember.

22 Q. In other words, he had confessed to killing

23 a woman within a day of when Mrs. Apodaca was killed

24 but about 1,000 miles away, do you recall?

25 A. No, I don't remember that.

1 Q. Do you recall being told that Mr. Lucas'
2 fingerprints were not found at Mrs. Apodaca's house?

3 A. No.

4 Q. Do you recall being told that Mr. Lucas'
5 blood and semen type did not match the blood and
6 semen type found on the victim's panties?

7 A. No.

8 Q. Do you recall being told that there were
9 several other suspects in the case who had confessed
10 to killing Librada Apodaca, suspects other than Henry
11 Lucas?

12 A. No.

13 Q. Were you told that there were other suspects
14 in the case other than Henry Lucas who had been named
15 by third persons as having killed Librada Apodaca?

16 A. No.

17 Q. When Henry Lucas came and testified before
18 your grand jury, do you recall whether or not there
19 were law enforcement officers present during his
20 testimony?

21 A. Yes.

22 Q. Can you recall how many?

23 A. I don't know if it was more, but more than
24 six.

25 Q. More than six?

1 A. Yes.

2 Q. Was that unusual?

3 A. I don't know.

4 Q. Had you seen that many officers present
5 during the testimony of any other witnesses during
6 your grand jury term?

7 No? You have to speak up so the Court
8 Reporter can --

9 A. Please say that question again.

10 Q. During -- At any other time during the grand
11 jury term when witnesses testified, did you have six
12 or more law enforcement officers present?

13 A. That was the first time.

14 Q. Was that the only time?

15 A. The only time, yes.

16 Q. Was your grand jury told that the man that
17 had taken Henry Lucas' confession and the man who was
18 in charge of the investigation of the death of
19 Librada Apodaca was Jimmy Apodaca, the nephew of the
20 victim?

21 A. Yes.

22 Q. You knew that Jimmy was the nephew of the
23 victim?

24 A. Yes.

25 MR. PONTON: Okay. Pass the witness, Your