

1 A. I don't remember. All I remember, that
2 there were gloves, that he had used some hospital
3 surgical gloves.

4 Q. And that was what was said in his confession,
5 but you don't recall being told that they never found
6 any gloves, actually finding the physical gloves?

7 A. I don't recall that, sir, no.

8 MR. PONTON: That's all I have.

9 MR. JEWKES: Nothing further, Your Honor.

10 THE COURT: Have a seat in the witness chair,
11 sir. Would you please raise your right hand?

12 Have a seat, please.

13

14

MIKE GLASSCOCK,

15 having been first duly sworn by the Court to tell the
16 truth, the whole truth, and nothing but the truth,
17 was examined and testified as follows:

18

19

DIRECT EXAMINATION

20

BY MR. PONTON:

21

Q. Would you please state your name?

22

A. My name is Mike Glasscock.

23

Q. Mr. Glasscock, were you a member of the 34th
24 Judicial District Grand Jury, September term 1984 in
25 El Paso County?

1 A. Yes, I was.

2 Q. Were you a member of the grand jury that
3 indicted Henry Lee Lucas for capital murder?

4 A. Yes, I was.

5 Q. At the time the grand jury was receiving
6 evidence from any source about Mr. Lucas, do you
7 recall being told that Mr. Lucas had previously
8 confessed to killing a woman in Louisiana the day
9 before Mrs. Apodaca was killed here in El Paso?

10 A. Yes, I do.

11 Q. You recall hearing that?

12 A. Uh-huh.

13 Q. Do you recall being told that none of Mr.
14 Lucas' fingerprints were found at the crime scene at
15 Mrs. Apodaca's house?

16 A. No, I don't recall that.

17 Q. Do you recall being told that Mr. Lucas'
18 blood type was different than the blood type of the
19 semen found on the victim's panties?

20 A. No, I don't recall.

21 Q. Do you recall being told that several other
22 persons other than Lucas had confessed to killing
23 Mrs. Apodaca?

24 A. No.

25 Q. Do you recall being told that several other

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1 persons other than Lucas had been implicated by third
2 persons in killing Librada Apodaca?

3 A. No.

4 Q. When Mr. Lucas testified before the grand
5 jury, do you recall whether there were any law
6 enforcement officers present?

7 A. Yes, there was.

8 Q. Were several?

9 A. Several.

10 Q. Were Texas Rangers present?

11 A. Yes, at least two of them.

12 Q. Do you recall how many law enforcement
13 officers were present in all?

14 A. I'd say at least six or eight.

15 Q. Do you recall Mr. Lucas talking about
16 wearing gloves at his confession?

17 A. No.

18 Q. Do you recall being told that there were no
19 gloves ever recovered from the victim's home or from
20 Mr. Lucas' car or anywhere like that?

21 A. No.

22 MR. PONTON: We pass the witness, Your Honor.

23 MR. MOODY: No questions of this witness.

24 THE COURT: Thank you, Mr. Glasscock.

25 Please go on about your duties or go home, wherever,

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1 whatever you do. Thank you for coming down.

2 MR. MOODY: Your Honor --

3 THE COURT: Is that all?

4 MR. PONTON: I believe that is, Your Honor.

5 That's all, Your Honor.

6 THE COURT: All right. Let me -- When Mr.

7 Glasscock -- I want to ask one question and then we

8 are going to take a recess.

9 Go right ahead, Mr. Glasscock. You go on.

10 MR. PONTON: There are some more grand

11 jurors, but none present, Your Honor. So --

12 MR. MOODY: Your Honor --

13 THE COURT: Mr. Moody, one question. Do we

14 have or has the grand jury testimony or grand jury

15 conversations, all of them been typed up on the Lucas

16 case, in this particular case?

17 MR. MOODY: Yes. Henry Lucas' was and Alma

18 Arrellano's has been, and that's all there ever was.

19 THE COURT: Well, let me ask you this

20 question. Was there a reporter there?

21 The reason I'm asking this question is

22 because when Mrs. Jarrell or whatever, she said in

23 answer to one of these questions that she had been

24 told that other people had confessed to this crime

25 but that it had been proven that they were not guilty.

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1 Now, the reason I'm asking this question, if
2 that is true, then it seems to me like the state
3 ought to turn over anything they have to prove that
4 the others didn't do it to the defendant so that they
5 can defend their lawsuit.

6 MR. MOODY: Well --

7 THE COURT: In other words, if I have got
8 proof that these other people didn't do it, that
9 would certainly -- seems to me would help them in the
10 defense of their lawsuit.

11 MR. MOODY: Yeah.

12 THE COURT: If you have that.

13 MR. MOODY: I heard what she said. I have a
14 note that she said that she can't remember if there
15 were other suspects and that she said --

16 THE COURT: Well, I note that she had -- she
17 said that it had been proven, and I'll have it read
18 back to you.

19 MR. MOODY: -- and that some had been
20 cleared.

21 THE COURT: She didn't mention some had been
22 cleared. She said that some -- she was told some
23 people had confessed but that it had been proven that
24 they were not guilty. I think I could have it read
25 back.

1 MR. MOODY: Yeah.

2 THE COURT: I'm asking is that a true
3 statement?

4 MR. MOODY: I --

5 THE COURT: Was that said to them? Is there
6 any proof of that fact?

7 MR. MOODY: There -- Well --

8 THE COURT: That's what I'm wondering.

9 MR. MOODY: The only person that would have
10 been communicating to the grand jury that day was
11 myself and --

12 THE COURT: Well --

13 MR. MOODY: -- there was no transcript of
14 what I told the grand jury.

15 THE COURT: But I'm asking, though --

16 MR. MOODY: But I never --

17 THE COURT: But if that statement is a true
18 statement --

19 MR. MOODY: I never told them that.

20 THE COURT: Do you indeed have anything to
21 that effect?

22 MR. MOODY: No, I never told the grand jury
23 that.

24 THE COURT: Well, all right.

25 MR. MOODY: I --

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1 THE COURT: That's what the question was.
2 She said it and I'm going to have it marked and typed
3 up for you, but --

4 MR. MOODY: She was the only one.

5 THE COURT: Yeah, I know that.

6 MR. MOODY: The others didn't --

7 THE COURT: But you see -- You understand if
8 they -- if you go to the grand jury and you tell them
9 that there are other people that have confessed to a
10 certain crime but that you have proof that none of
11 those people did it, then the proof that you have
12 that they didn't do it could very well affect the
13 proof that you have that this one did it. So it
14 could be very exculpatory concerning whatever this
15 man has done and it would be of great interest.

16 MR. MOODY: Well, of course, they have -- we
17 have gone through and litigated the issue on the --
18 or they have gone through Benny Perez' and all those
19 files of those other potential people and all that.
20 That's the only thing that I know about. But I did
21 not discuss that with them and --

22 THE COURT: But I have been sitting here and
23 listening, and I never heard anyone say they had
24 proof --

25 MR. MOODY: No.

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1 THE COURT: -- that anyone else didn't do it.
2 I have heard them say that they had proof this man
3 did it.

4 MR. MOODY: Well, I think like on one of
5 them there is a question about whether they had proof,
6 that one of those suspects was in California in jail
7 at the time of the murder. I can't remember who that
8 person was anymore, which suspect.

9 THE COURT: But they --

10 MR. MOODY: There were some people that were --
11 that they may have had proof that the defense knows
12 about they are proven and there may be some question
13 about that proof. But that just wasn't discussed to
14 the grand jury, you know, about --

15 THE COURT: Well, I--

16 MR. MOODY: -- nothing about that.

17 THE COURT: That's the only thing that I
18 heard here that was really of great interest to me
19 because that seems like -- You know, when you talk
20 about there is proof that one of these people that
21 might have done it was in jail in California, there
22 is also proof that Lucas was in jail when he
23 supposedly killed somebody.

24 So, I mean, we have got so many stories
25 going around here that, you know, I don't -- I just

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1 was interested in that particular thing. And if
2 indeed there is something, I think the defendants
3 ought to have it. If there isn't, then that's fine.

4 MR. MOODY: They -- They've got it.

5 THE COURT: I'm not questioning that you
6 have -- that you have given them anything or haven't
7 given them anything. I'm merely saying that if there
8 is proof of those matters, then they ought to know
9 about it.

10 MR. PONTON: Your Honor?

11 THE COURT: Yeah.

12 MR. PONTON: One way -- I would request at
13 this time that Your Honor request from the 34th
14 District Court the grand jury minutes book. It's my
15 understanding that the grand jury bailiff keeps a
16 minutes book of who appears before the grand jury,
17 the witnesses and the case presented and things of
18 that nature. And I would request that Your Honor
19 look at that in camera to see if maybe that should be
20 disclosed to counsel for the defense because that
21 might disclose who might have been saying that Lucas
22 did it or might be saying who was not guilty, things
23 of that nature. So it might be instructive on the
24 issue of --

25 THE COURT: Don't you already have a list of

1 people that testified before the grand jury?

2 MR. PONTON: It's my understanding, Your
3 Honor, that Mr. Lucas was the only one who testified.
4 I don't know.

5 THE COURT: I mean, there were other people.
6 Mr. Moody, of course, went in and presented a case.

7 MR. PONTON: Right.

8 THE COURT: And --

9 MR. PONTON: I would be -- It's my
10 understanding, Your Honor, that this grand jury met
11 for several days regarding Mr. Lucas -- I think three
12 days has been mentioned to me. I'm not sure. But I
13 would --

14 THE COURT: There was never a reporter
15 present until the confession. Is that -- That's what
16 I am told.

17 MR. MOODY: Right. There was never a
18 reporter present until Mr. Lucas came in to testify
19 and then the reporter left when Mr. Lucas finished
20 testifying. And then later when Mrs. Arrellano
21 testified before a different grand jury, we had a
22 court reporter when she testified.

23 THE COURT: Mr. Ponton, I'll talk to Judge
24 Woodard and ask him and I'll look at that record.

25 MR. MOODY: Your Honor --

1 THE COURT: I don't know who testified or
2 who didn't testify. I have no idea.

3 MR. MOODY: One other objection at this
4 point. We have now heard from, let's see, one, two,
5 three, four, five, six -- six grand jurors plus the
6 foreman is seven. The testimony is highly repetitive.

7 THE COURT: No question of that.

8 MR. MOODY: I do not see the purpose of
9 calling the last four members or five members in here
10 when it's been very repetitive time and time again as
11 to what --

12 THE COURT: Well, I understand that, Mr.
13 Moody, but I'm afraid not to let him call them if he
14 says he wants to call them.

15 MR. PONTON: And I do.

16 THE COURT: Because if I don't let him do it,
17 I might get caught later on. They may say, "Well,
18 Judge, you stopped him. You didn't let Mr. Ponton
19 put on all of the evidence he wanted to put on." And
20 if I'm going to do this, I'm going to do my darndest
21 to make sure it's right. And I may be wrong, but I'm
22 sure going to try to do it right.

23 MR. MOODY: Thank you, Your Honor.

24 (A recess was taken.)

25 THE COURT: Detective, raise your right hand.

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