

1 Mrs. Pack, you will be excused. Thank you,
2 Ma'am.

3 (Whereupon, a short recess was had,
4 (after which the hearing continued as
(follows, to-wit:

5 THE COURT: All right. Back on the record.
6 Darwin, raise your right hand.

7 (Whereupon the witness was sworn.

8 Are you Darwin Pack?

9 THE WITNESS: Yes, sir.

10 THE COURT: All right. I want the record to
11 reflect that we are outside -- in the Court's Chambers,
12 all the parties are present, including the Defendant.
13 This is a hearing on the Motion to Dismiss under the
14 Speedy Trial Act and in reference to the Motion to
15 Ouash a Subpoena that has been issued for you. And the
16 Court is going to determine the relevancy of it.

17 All right. Go ahead.

18 DARVIN PACK

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

21 DIRECT EXAMINATION

22 BY MR. FULLER:

23 Q State your name for the record, please, sir.

24 A Darwin Wayne Pack.

25 O My name is Hayes Fuller. I'm one of the attorneys for

1 David Wayne Spence in this cause for which you have
2 been subpoenaed to appear here today. I don't believe
3 we've met prior to today; is that correct?

4 A Yes, sir.

5 Q We have just a few questions to ask you. You were the
6 victim or State's witness, complainant, in a criminal
7 case back in March of 1983 in which David Wayne Spence
8 was the Defendant; is that correct?

9 A Yes, sir.

10 Q I believe at that time Mr. Spence was charged with the
11 offense of Aggravated Sexual Abuse; is that correct?

12 A Yes, sir.

13 Q And you appeared and testified at that trial; is that
14 correct?

15 A Yes, sir.

16 Q You were in attendance the entire trial?

17 A Do you mean sitting in there?

18 Q Yes, sir.

19 A Uh-huh.

20 Q How long were you there?

21 A Just on the stand.

22 Q Okay. That was the only time you were in the courtroom?

23 A I was there about half a day.

24 Q Okay. Do you recall how long the trial lasted?

25 A Uh-uh.

1 Q Were you there throughout the entire trial? That's what
2 I'm getting at.

3 A Yeah.

4 Q Okay. You didn't testify the entire time, but you were
5 there the entire time?

6 A Uh-huh.

7 Q While you were present in the courtroom, were you aware
8 of the presence of Mr. Richard Franks in the courtroom?

9 A (Shaking head.)

10 Q Do you know who Richard Franks is?

11 A I met him once.

12 Q When did you meet him?

13 A After the Court --

14 Q Excuse me?

15 A After the --

16 Q After the trial?

17 A Yeah. After the trial.

18 Q Describe to me the circumstances under which you came to
19 meet Mr. Franks?

20 A Standing out in the hall.

21 Q Did he introduce himself to you?

22 A Yeah.

23 Q Okay. Did he tell you why he was wanting to meet you?

24 A Uh-huh.

25 Q Okay. Do you recall what you all talked about?

1 A I didn't have nothing to say. He just told me his name.

2 O That's all he said to you?

3 A Uh-huh.

4 Q Okay. Now, at the time of the Aggravated Sexual Abuse
5 trial, were you aware that David Wayne Spence was a
6 suspect in any other cases?

7 A Uh-huh.

8 Q Had you been told by any member of the District Attorney's
9 Office that he was a suspect in any other cases?

10 A (Shaking head.)

11 Q Were you -- speak up for the record.

12 A No.

13 Q Were you aware that he was a suspect -- David Wayne
14 Spence was a suspect in the lake murders?

15 A Uh-uh.

16 O Had you heard that around the Courthouse?

17 A Uh-uh.

18 Q Did Mr. Franks tell you that?

19 A No.

20 MR. FULLER: No further questions, Your Honor.

21 MR. BUTLER: We have no questions.

22 THE COURT: All right. I'm going to grant the
23 Motion to Quash the Subpoena.

24 You will be excused, Mr. Pack, and you will be
25 able to leave the Courthouse. Thank you, sir.