

COURT REPORTER 'S RECORD

VOLUME 3 of 57 VOLUMES

HEARING

TRIAL CAUSE NO. F97-01215-PJ

12-15-97

THE STATE OF TEXAS

IN THE CRIMINAL DISTRICT COURT

VS.

NO. 3

GREGORY EDWARD WRIGHT

OF DALLAS COUNTY TEXAS

MAY 4 1998

DIST. CLERK, DALLAS 00

DEP(JTy,

APPEARANCES:

HONORABLE GREG DAVIS - SBOT: 05493550

HONORABLE NEIL PASK - SBOT: 15556700

HONORABLE RICARDO JORDAN - SBOT: 11016550

214-653-5600

133 N. INDUSTRIAL BLVD.

DALLAS, TX 75207

ATTORNEYS FOR THE STATE.

HONORABLE WILLIAM E. "KARO" JOHNSON - SBOT: 10804500

HONORABLE PAUL BRAUCHLE - SBOT: 02918000

214-824-9955

3300 OAK LAWN AVE.

DALLAS, TX 75219

ATTORNEYS FOR THE DEFENDANT.

BE IT REMEMBERED that on August 19th, A.D., 1997, a
Hearing with reference to the above-styled and -numbered cause
came on to be heard before THE HONORABLE ROBERT W. FRANCIS,
Judge of Criminal District Court No. 3, Dallas, Texas.
Announcements of ready having been made by both the State of
Texas and the Defendant, the following proceedings were had:

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P R O C E E D I N G S

1
2 THE COURT: This is Cause Number F97-01215-PJ,
3 the State of Texas versus Gregory Edward Wright, and this is a
4 hearing on the defendant's motion for a special venire.

5 Previously, on July the 18th, 1997, the Court
6 had a pretrial hearing on defendant's pretrial motions and
7 some of the motions filed by the State of Texas. At that time
8 the defendant's motion for special venire, which is filed
9 pursuant to Article 34.01, had been granted by the Court.

10 Since this -- since that time, the Court has
11 informed the State and defense counsel that the Sheriff's
12 Department will not be able to comply with 34.01 as it
13 requires, so the Court has reconsidered the defendant's motion
14 for special venire and will deny that motion, again under
15 section -- Article 34.01 of the Texas Code of Criminal
16 Procedure.

17 Furthermore, under Article 34.04, the Texas Code
18 of Criminal Procedure, the Court has tendered to defense
19 counsel a notice of the list of all prospective venire men who
20 will be called by the central jury room next week: Monday,
21 Tuesday, Wednesday and Thursday. Mr. Johnson, have you
22 received that on behalf of the defense?

23 MR. JOHNSON: Your Honor, we have received that
24 from the Court.

25 THE COURT: All right. It clearly appearing

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1 from that record that more than 100 venire men will be called
2 for jury duty next week, the Court, as previously stated, has
3 denied your motion for special venire as allowed by the Code
4 of Criminal Procedure.

5 Just so that the record is clear, it's been
6 explained to the State and the defense that beginning Monday
7 of next week, the Court will call up 60 jurors per panel: One
8 panel Monday morning, and one panel Monday afternoon; the same
9 procedure Tuesday and Wednesday, so we'll have 360 jurors to
10 begin with to start our pool to fill out individual
11 questionnaires.

12 Anything from the State of Texas?

13 MR. PASK: No, Your Honor.

14 THE COURT: Anything else, Mr. Johnson, or
15 Mr. Brauchle?

16 MR. BRAUCHLE: Your Honor, we would renew our
17 request for special venire under 34.01. We would request that
18 the Court order the Sheriff's Department to comply with the
19 order previously entered on July 18th.

20 It's our understanding that the Sheriff's
21 Department has partially complied, or has attempted to comply
22 with that. We would ask that the Court continue its special
23 venire that's set for this Friday, which I believe would be,
24 what, the 22nd of August, and that the Court proceed as -- as
25 was previously scheduled.

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1 We'd also object to the proceeding of calling up
2 the venire persons as being not in compliance with 34.01, and
3 we would object to the process of calling individual panels of
a 60.

5 We'd also ask that the Court comply with 34.04
6 in regard to serving of the lists, in regard to both the
7 special venire that is to be called on the 22nd, and for -
8 and for the 25th of August, 1997.

9 THE COURT: All right. So the record's clear,
10 I'll deny the defense's request for the special venire, and
11 under Article 34.01, refusing such a motion, this case will be
12 required to be tried by regular jurors, summoned for service
13 in Dallas County for the week that this case is set to start
14 trial, which will be next week. Any additional jurors may be
15 provided to the Court under Article 34.02. We will follow
16 that procedure.

17 The Clerk of the Court, or -- has furnished the
18 defendant and his counsel a list of the persons summoned as
19 provided in Article 34.04. You're not disputing that,
20 Mr. Brauchle; is that correct?

21 MR. BRAUCHLE: He hasn't been personally served.

22 THE COURT: Well, Mr. Wright, is that you?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Would you do me a favor? Do you see
25 those four stacks of papers there? Would you touch those?

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1 THE DEFENDANT: (Defendant complied.)

2 THE COURT: All right. And you are touching
3 those; is that correct?

4 THE DEFENDANT: That's correct.

5 THE COURT: All right. That's about as personal
6 as it can be.

7 And you may keep those, you may have your
8 attorneys look at them.

9 That's y'all's choice, however you wish to
10 prepare for the case.

11 So Article --

12 MR. PASK: Your Honor, so the record is clear,
13 this is Tuesday, August the 19th, 1997, and the case is set
14 for trial August the --

15 THE COURT: 25th.

16 MR. BRAUCHLE: 25th. We'll so stipulate.

17 THE COURT: Okay. And I think that that's
18 clearly more than two days -- today is more than two days
19 prior to August the 25th. So Article 34.04 having been
20 complied with, and the Court having followed and actually
21 dictated into the record the language from 34.01 that it
22 intends to comply with, we will proceed in that fashion.

23 Anything else?

24 MR. JOHNSON: (Shakes head.) No, Your Honor.

25 THE COURT: All right. That concludes this

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1 hearing.

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MR. BRAUCHLE: Thank you, Your Honor.

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(End of proceedings.)

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1 THE STATE OF TEXAS)
2 COUNTY OF DALLAS)

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4 I, DONNA HILL-WYNKOOP, Official Court Reporter in and for
5 the Criminal District Court No. 3 of Dallas County, State of
6 Texas, do HEREBY CERTIFY that the above and foregoing contains
7 a true and correct transcription of all proceedings directed
8 by counsel to be included in the Statement of Facts, in the
9 above-styled and -numbered cause, all of which occurred in
10 open court or in chambers and were reported by me.

11 I FURTHER CERTIFY that this transcription of the record of
12 the proceedings truly and correctly reflects the exhibits, if
13 any, offered by the respective parties.

14 WITNESS my hand this the .2764. day of April, A.D., 1998.

15
16 DONNA C. HILL-WY9KOOP RMR, CRR, RPR, CSR
17 OFFICIAL COURT REPORTER
18 CERTIFIED REALTIME REPORTER
19 REGISTERED MERIT REPORTER
20 Criminal District Court No. 3
133N. Industrial Blvd., LB 40,
Dallas, Texas 75207-4313
(214) 653-5923

21 CERTIFICATE NO.: 1779
22 CERTIFICATION EXPIRES: 12-31-99

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