

COURT REPORTER'S RECORD
VOLUME 2 of 57 VOLUMES
PRETRIAL HEARING
TRIAL CAUSE NO. F97-01215-PJ

THE STATE OF TEXAS) IN THE CRIMINAL DISTRICT COURT

VS.) NO. 3

FI LED

GREGORY EDWARD WRIGHT) OF DALLAS COUNT , Disr, 1~LUS da., ~ts
~2E8i~71G

MAY 4 1997

BILL LONG

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.

On the 18th of July, A.D., 1997, a Pretrial 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, and the following proceedings were held:

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THE COURT: This is Cause Number F97-01215-PJ,
a styled the State of Texas versus Gregory Edward Wright. This
is a pretrial hearing on the motions filed by the defendant at
this point.

Let the record reflect that I've already
7 discussed these motions with the counsel for the State of
Texas and the counsel for the defendant, and have gone
9 through, so I will go through and read the title of the
10 record -- of the motion into the record and indicate my
11 ruling. If anyone has an objection after I've made the
12 ruling, then they can just make a note at that time.

13 The first motion is a motion for an appointment
14 of an investigator, and that motion has been granted.

15 The second motion is a motion to voir dire on
16 the parole law, being a 40-year minimum, and that motion has
17 been denied.

18 Defendant's motion requesting notice of
19 prosecution's intent to use certified copies of official
20 written instruments; that motion has been granted.

21 The defendant's motion for inventory of items
22 taken at the crime scene. That motion has been granted.

23 In regards to the motion to compel disclosure of
24 District Attorney's jury selection data, as far as the motion,
25 that has been denied but, Mr. Davis, I believe you and

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1 Mr. Johnson have entered into some agreement with regards to
2 that. Would you go ahead and state that into the record for
3 me?

4 MR. DAVIS: Yes, sir. Our agreement is that if
5 the State uses a criminal record of a prospective juror as a
6 grounds for striking that juror, then we will disclose
7 whatever information we have on the criminal history as a
8 basis for our strike.

9 MR. JOHNSON: Your Honor, --

10 THE COURT: Is that your understanding,
11 Mr. Johnson?

12 MR. JOHNSON: Well, actually, -- we're actually
13 asking for more than that, Judge. We're asking for -- the
14 District Attorney's office keeps records of the jurors, and
15 we're asking that if the DA's office uses some of their juror
16 information from previous service of these jurors, if they use
17 some of that information, and they use that information as a
18 basis for a strike, we would like them to share that with us
19 so we can make it part of the record.

20 THE COURT: Mr. Davis?

21 MR. DAVIS: We're agreeable to that.

22 THE COURT: All right. Next motion is the
23 motion to record the trial in this cause by video and audio
24 recording. That motion's been denied.

25 The motion in limine regarding photographs, the

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1 motion in limine itself has been granted, and before the
2 photographs are introduced, we'll have a hearing at that time.

3 Motion to require the State to reveal any
4 agreement entered into between the State and any prosecution
5 witness that could conceivably influence their testimony, that
6 motion has been granted.

7 Motion for leave to file additional motions
8 prior to trial, that motion has also been granted.

9 The next motion is an omnibus pretrial motion.
10 That motion has 14 separate sections, each section has been
11 granted, so that motion has been granted in total.

12 Motion to compel examination of co-defendant.
13 That particular motion has been denied.

14 The defendant's second motion to set aside the
15 Indictment due to the unconstitutionality of the statute, that
16 motion has been denied.

17 Defendant's motion to present evidence of parole
18 eligibility, that motion has been denied.

19 Next motion's entitled motions in limine
20 regarding punishment argument. Again, as far as a motion in
21 limine, that has been granted, and we will discuss the
22 contents of that motion at the proper time during the trial
23 itself.

24 Defendant's motion requesting notice of the
25 State's intent to impeach a witness by evidence of a crime,

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1 that motion has been granted.

2 Motion in limine with regard to matters
3 concerning the deceased. Again, that motion in limine, that's
4 been granted. We'll discuss evidence at the time of trial.

5 Defendant's motion for special venire, that
6 motion's been granted. And let me go ahead and put in the
7 record at this time that venire panel will be called up for
8 August the 22nd, which is a Friday. We've had a discussion
9 previously with counsel for both sides regarding how that will
10 be handled, and that by August the 29th, the following Friday,
11 at least the first hundred questionnaires will have been
12 reviewed by attorneys for both sides so that the coordinator
13 of the court can begin scheduling the individual interviews,
14 which will begin then on September the 8th.

15 Next motion is the motion to determine the
16 constitutionality of Article 37.071, the parties charged, and
17 that motion has been denied.

18 Motion to hold unconstitutional Article 37.071
19 regarding burden of proof, that motion has been denied.

20 Motion to hold unconstitutional Article 37.071,
21 failure to require mitigation being considered, that motion
22 has been denied.

23 A motion to declare the Texas capital sentencing
24 scheme unconstitutional, and motion to preclude imposition of
25 the death penalty has also been denied.

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1 There is a motion to suppress -- I'm sorry.

2 Motion in limine with regards to tattoos, tattoos of the
3 defendant. That motion has been granted insofar as it is a
4 motion in limine, and if the State cares to introduce that
5 evidence, we'll review it again at that time.

6 Defendant's requested charge number 1 at the
7 punishment phase of the trial, that motion has been denied.

8 There is a motion to suppress regarding
9 reputation evidence and defense counsel has informed attorneys
10 for the State and the Court this morning that they intend to
11 file further motions to suppress. Once all of those motions
12 have been filed, the Court will set a hearing date for a
13 motion to suppress on all of the motions at that time, so that
14 motion will be taken up at a later time.

15 Finally, I'm going to go ahead and place a copy
16 in the Court's record of the questionnaire to be given to the
17 jurors. It's an 11-page questionnaire, and that has been
18 approved by the State and by the defense; is that correct,
19 Mr. Davis?

20 MR. DAVIS: Yes, sir; that's correct.

21 THE COURT: Mr. Johnson?

22 MR. JOHNSON: That's correct, Your Honor.

23 THE COURT: All right. Anything else we need to
24 take up at this time?

25 MR. DAVIS: Judge, we have a motion that should

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1 be on file. It's entitled "motion to request the notice of
2 defendant's intent to introduce future dangerousness expert
3 testimony, and essentially, that's going to be a motion
4 pursuant to La Grone -v- State, L-a-g-r-o-n-e -v- State, that
5 says the Court may order the defendant to submit to a State
6 sponsored psychiatric exam on future dangerousness when the
7 defense introduces, or plans to introduce its own future
8 dangerousness expert testimony. So we're asking essentially
9 that if the defendant in this case does intend, or plans to
10 intend to introduce such testimony, that we be advised at that
11 time so that we can secure the services of a psychiatrist or
12 other mental health professional to interview the defendant
13 prior to his testimony in this case.

14 THE COURT: Mr. Johnson, do you have a copy of
15 that motion?

16 MR. JOHNSON: I do have a copy of it,
17 Your Honor, and what I'd respond to the Court at this time is,
18 is that at this point there has not been any decision made on
19 the part of the defense to introduce such evidence. We have
20 not -- and until we make that decision, I don't -- I think
21 that motion will be -- will stand -- stand moot.

22 If we do decide to do that, we will certainly
23 give the State notice of that intent and do it in a timely
24 fashion, and then we'll take up the State's motion at that
25 time, is what I would suggest.

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1 THE COURT: All right. Well, the motion just
2 appears to me to request the Court to order you to give the
3 notice that you said you're already going to, so I'm going to
4 go ahead and grant that motion.

5 MR. JOHNSON: Okay.

6 MR. DAVIS: Okay.

7 THE COURT: Mr. Davis, anything else?

8 MR. DAVIS: No, Your Honor, I don't believe so.

9 THE COURT: Mr. Johnson?

10 MR. JOHNSON: The State has filed notice of
11 extraneous acts that I've gotten a copy of. I am reviewing
12 that at this time. I would just, based on my first review, I
13 think there will be a time when we'll probably have to have a
14 hearing on some of those extraneous acts, because I don't
15 think they give us sufficient notice, but I'm just giving the
16 Court -- making the Court aware that that is probably
17 something we might have in the future.

18 THE COURT: Okay. You're talking about the --
19 I guess it's called notice of intent to use extraneous and
20 unadjudicated offenses, and appears to list 24 possible --

21 MR. JOHNSON: That's the -- that's the motion I
22 meant, Judge.

23 THE COURT: All right. Anything else?

24 MR. DAVIS: No, sir.

25 MR. JOHNSON: That's all we have, Your Honor.

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THE COURT: Then that concludes this hearing.

MR. JOHNSON: Thank you, Your Honor.

(End of proceedings.)

1 THE STATE OF TEXAS)

2 COUNTY OF DALLAS)

3
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 day of April, A.D., 1998.

15 *Donna Hill-Wynkoop*

16 DONNA C. HILL-WYNKOOP, RMR, CRR, RPR, CSR
17 OFFICIAL COURT REPORTER
18 CERTIFIED REALTIME REPORTER
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21 CERTIFICATE NO.: 1779
22 CERTIFICATION EXPIRES: 12-31-99