



THE *Voir Dire*

Voir dire - "To speak the truth." Black's Law Dictionary

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Patrick Wilson—County & District Attorney

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2013 Crime Stats

Last year more than two dozen law enforcement agencies filed 3,401 criminal cases with our office. Misdemeanor case filings were up 1.5%, while felony case filings were down 6.1%.

Love Numbers?

See how Ellis County compares to the rest of the country with the F.B.I.'s Uniform Crime Report. Click [here](#).

New Discovery Law



On May 16, 2013, Governor Perry signed into law SB 1611, which is commonly referred to as "The Michael Morton Act." If you are not familiar with SB 1611, the full text of the bill is linked [here](#). If you do not know the story of Michael Morton, then I encourage you to remedy that. Senate Bill 1611 amended Code of Criminal Procedure Art. 39.14. Those amendments apply to all criminal offenses committed on or after January 1, 2014.

The law imposes upon prosecutors an affirmative duty to share all exculpatory and mitigating information with the

defense. Here is the key provision: "[T]he state shall disclose to the defendant any exculpatory, impeachment, or mitigating document, item, or information in the possession, custody, or control of the state that tends to negate the guilt of the defendant or would tend to reduce the punishment for the offense charged." My office has implemented new, laborious processes to help us comply with the law. I now have a staff member whose sole job is to facilitate criminal discovery. So what does all this mean for law enforcement?

As a practical matter law enforcement must understand that the law makes no distinction between your departments and my office. To-

gether we are "the state" that is referenced in the statute. That is a long-standing tenet of common law now codified by statute. Your obligation as a peace officer to share information in a case is the same as the prosecutor's. In every criminal case filed with my office we must be provided with every kernel of knowledge in the possession of your department so that the appropriate disclosure can be made to the defense in accordance with our legal obligation. Neither the law nor justice will tolerate discoveries of long-existing evidence on the eve of trial. Who can quarrel with that?

- Patrick Wilson

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Free DWI Updates and Training!

Our office is proud to offer six hours of free DWI-related training for peace officers and prosecutor in Waxahachie on **April 2, 2014 at the Waxahachie Civic Center.** This year's program, sponsored by the Texas District & County Attorneys Association, will focus on legislative, case law, and best-practice updates. As always, the state's best instructors will present great information and lead relevant discussions. Special focus will be

spent on the response of police and prosecutors to *Missouri v. McNeely* and revisiting the officer's choice to



obtain a sample of breath or blood. Time will also be spent on drugged driving, an

issue Texas is only beginning to get a handle on. Police and prosecutors must keep current on both the law and new practical developments to handle these always-difficult investigations and prosecutions. Attendees receive six hours of TCOLE or CLE credit, two TDCAA publications, and lunch. Advance registration is required, and is available only online at:

www.tdcaa.com/training

Legal Update

State v. Granville

Police cannot make a warrantless search of a cell-phone in a jail property room that is confiscated as part of a booking-inventory procedure and not incident to arrest. A person retains a legitimate expectation of privacy in the contents of his cell phone when the phone is being temporarily stored in a jail property room. Searching a person's cell phone is like searching that person's home desk, computer, bank vault, and medicine cabinet all at once.

Ex Parte Gill

When a defendant has been jailed more than 90 days without being charged, a judge may not consider the

safety of a victim or the community when setting bail. The language of CCP art. 17.15, which allows a judge to consider victim and community safety concerns in setting bail, is not imparted to CCP art. 17.151. The latter statute requires a defendant be released after 90 days through either a personal bond or a reduction of bail, and there is no language that considers the threat to a victim or the community. If a felony case is not filed within 90 days, a class A misdemeanor filed within 30 days, or a class B misdemeanor filed within 15 days, then the Judge **must** release the Defendant. **Get those offense reports to our office as soon as possible.**



Police Beat

Maypearl equipped all of their officers with SABA kits. Each Self Aid/Buddy Aid kit contains a gauze dressing with "quick-clot," a compress, and a tourniquet to stop bleeding and treat the wound until EMS arrives. The kits provide treatment in the critical first five to ten minutes after an injury and before medical personnel arrive.

Cedar Hill Police Department January Report of Actual Offenses:

Forcible Rape	4
Robbery	1
Aggravated Assault	4
Burglary	25
Theft/Larceny	83
Motor Vehicle Theft	4

Glenn Heights Police Department is hosting its first ever Citizen's Police Academy (C.P.A.). The C.P.A. is an 11-week program that meets once a week for three hours. Program objectives are to provide information and to educate citizens regarding the inner workings of the police department. For more info, please see the department's [press release](#).

When a Defendant Fails to Show to Court?

When a defendant is arrested he is held by the Sheriff until bail is posted. That is accomplished by the defendant posting a bail bond. A bond can be personal, cash, or surety written by a bonding company. The majority of bonds are written by bonding companies licensed through the Ellis County Bail Bond Board. A specific condition of the bond is that the defendant must

appear in court or the bond is forfeited to the State of Texas.

At a docket, if a defendant fails to appear, the defendant's name is called three times outside the courtroom and the bond is forfeited. The forfeiture of the bond is a new civil proceeding (essentially a lawsuit) against the defendant and the person giving the bond. The total liability can be the

full amount of the bond, court costs for the case, and the reimbursement to the Sheriff for any costs associated with the re-arrest of the defendant (this is usually transportation costs for relocating a defendant to Ellis County). Any amount settled or awarded in the lawsuit goes in to the general fund of Ellis County.

Ten Tips for Writing Reports Efficiently

1. Use names and pronouns when you write about yourself at the scene.
2. Limit yourself to one idea per sentence.
3. Start every sentence with a person, place, or thing.
4. Try to limit yourself to three commas per sentence.
5. Be as clear and specific as possible.
6. Use simple language.
7. Stick to observable facts.
8. Write in paragraphs.
9. Use active voice.
10. Use bullet style.

— Jean Reynolds, Ph.D.,

Dr. Reynolds holds a both a master’s degree and a Ph.D. in English. She taught basic and advanced report writing at Polk State College from 1982 to 2010. Her book [*The Criminal Justice Report Writing Guide for Officers*](#) is available from Amazon. For more info, visit her website at www.yourpolicewrite.com.

DA’s 2013 Employee and Attorney of the Year



Attorney of the Year Cindy Hellstern

We are proud to announce our Employee and Attorney of the Year recipients for 2013. Cindy Hellstern handles all of the appeals and is the legal backbone of the office. Darin Jackson is the technology specialist for the office and handles all of our trial presentation needs. Congratulations to our 2013 Award Winners.



Employee of the Year Darin Jackson

Jokes of the Day

He has all of the virtues I dislike and none of the vices I admire. —Winston Churchill.

“Warning! You want a warning? Okay, I’m warning you not to do that again or I’ll give you another ticket.” — officer.com

When I die, I want to go peacefully like my grandfather did — in his sleep. Not yelling and screaming like the passengers in his car. — Bob Monkhouse.

I couldn’t repair your brakes, so I made your horn louder — Steven Wright.

When you go into court you are putting your fate in the hands of 12 people who weren’t smart enough to get out of jury duty. — Norm Crosby.

I told my wife the truth. I told her I was seeing a psychiatrist. Then she told me the truth: that she was seeing a psychiatrist, two plumbers and a bartender. — Rodney Daingerfield.

Recently Disposed

Preston Massey - Bench Trial, Burglary of a Habitation Enhanced with Prior, **60 years**.

Michael McGowen - Agreed Plea, Continuous Sexual Abuse of a Young Child x 2, **25 years without parole**.

David Cornett, Agreed Plea, 13 cases (prohibited sexual conduct x 3, compelling prostitution, and sexual assault of a child x 9, **50 years**.

Robert Servoss, Agreed Plea, Robbery x 3, **30 years**.

Jeffrey Gerron, Jury Trial, Child Pornography x 9, **81 years**.

Defendant found not guilty by an Ellis County Jury for Assault Causing Bodily Injury/Family Violence.

Delia Martinez, Possession of Marijuana > 5 lbs. < 50 lbs., Jury Trial with

Agreed Punishment, **8 years probated for 5 years**.

Larry Barto, Jury Trial, DWI 1st, **20 days probated for 2 years, \$500**.

Manuel Alvarez, Jury Trial with Agreed Punishment, Assault Causing Bodily Injury/Family Violence, **365 days probated for 2 years, \$1,200**.

Ellis County & District Attorney's Office

Meet Our Staff

Anyone even casually acquainted with Michele Laquay is rarely in doubt of her thoughts. Outspoken, dedicated, hard working are all adjectives commonly associated with Michele. Learning her work ethic from her parents, owners of Boyce Feed and Grain for almost 40 years, Michele had perfect attendance in the Waxahachie school system from kindergarten through 12th grade. Michele started working at the gin from the age of 11, when not in school, running hurdles, or cheering on other sports. After graduation, Michele went to work full time at the gin up to 2004, when her family retired from the business. From there Michele worked for the Dallas County District

Attorney in administration, working her way up to office manager of the hot check division. After almost five years with the Dallas DA, Michele tried a short stint on the defense side, and then was hired by the Ellis County and District Attorney's Office in 2010. Michele's title is felony clerk. She currently handles the felony cases where the last name of the defendant begins with the letters P through Z. Michele handles the case from intake through disposition. This includes preparing the case to be presented to the grand jury and assisting the attorneys during trial. If you ever have any questions on your felony cases from P-Z, you can call Michele. She will have an answer . . . and an opinion.



Michele Laquay

Felony Clerk

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Success



Mary Pickford, co-founder of the United Artists film studio, is credited with saying, "Failure is not falling down, it is not getting back up again." For those of us that remember Michael Jordan, think of all we would be without if he never got back up after one of his failures. Researching quotes for this newsletter over the last year, we kept coming across the quote below from Michael Jordan and wanted to use it. With March Madness upon us, it seems like the perfect time. It is an awesome reflection from arguably the greatest basketball player to ever play the game. Drive and determination for excellence through failures allows for our success. Nothing in life comes easy. Win or lose, failure or not, take the game winning shot in life and strive for success. Good luck with your brackets.

"I've missed more than 9000 shots in my career. I've lost almost 300 games. 26 times, I've been trusted to take the game winning shot and missed. I've failed over and over and over again in my life. And that is why I succeed."

—Michael Jordan

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Seeking justice, serving, protecting, and representing Ellis County and the State of Texas through partnerships with law enforcement and our community.