ENEMIES OF JUSTICE

Based on a true story about injustice

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non-fiction

This is a non-fiction book based on the true story about how the D.A. of Hunt County intentionally convicted me of a crime that he knows that i am innocent of.
This book is dedicated
with gratitude

To my majestic and wonderful heavenly father, King Yahweh, and to my
savior and brother Prince Yahshua, who died an extremely painful death
on the cross for me.

Also to my wonderful mother Martha Archibald, and to my wonderful sister
Maryann Banos, and my brother Billy Archibald and his family.

Also to Drema Samples and Becky Weems who with courage stood for truth
and justice.
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I

FREEDOM AGAIN

Thursday, June 15, 1989 6:09 a.m.

Gatesville, Texas

Destiny will take a man down an unseemly path in life, that is shrouded in darkness. But the darkness comes first, and then the light shines forth to reveal his destiny to him.

An excerpt from
Diary of Vile truths
by Sir Gammad
CHAPTER ONE

As the early light of the dawn was arising in Central Texas, the Blue Jays took flight towards the rising sun, lifting off the tree branches, and being vigor with the warmth of the sun rays. While enjoying the slight morning breeze that glided in from the West, and beating their wings in rhythm & exhilarating in the freedom of flight that defined their existence in this world.

John woke up from another restless night of sleep, temporarily lost as to his whereabouts. And then reality came crashing in on him, and he realized that he was still incarcerated in a state prison, but he desperately hoped that it was just a terrible nightmare. So with hesitation he opened his eyes, and the metal and concrete environment that defined his present state of existence emerged before his very eyes.

He groaned and immediately he slammed down his eye lids, and was thinking to himself, "Dude, I don't feel like going to work today". It was another night of tossing and turning as John was pondering when the parole board would consider him rehabilitated, and worthy to be released back into society.

So such thoughts were creating havoc with his mind, and body's need for sleep. But it was his own stupidity that landed him here in the first place. But technically, it was a conspiracy that got him incarcerated, and it was a well organized, and a very well executed plan that involved immaturity, stupidity, and ignorance that had infiltrated his brain
and had guided him down the wrong path.

John had went to Betsy's apartment to see if she wanted to go to a party with Mike, and her apartment was unlocked. But when he knocked on the door no one answered, so he assumed that Betsy couldn't hear him. So John went in, and it appeared that no one was there at first. But his brain saw a free T.V. and radio, and his brain commanded his hands to take them.

So they did.

As John laid there on his blue suede plastic filled cotton comfort mattress that was produced by prisoner-justified slavery, where the slaves don't even earn an Abraham Lincoln penny for their work. But the state makes money off the sale of them to other states for their jails and prisons.

John could hear through the open window a guard hollering at an inmate or inmates, and he could hear the shower running. His living area was a dormitory that housed sixty four inmates, and the dimensions were about 80 X 95 square feet, with four deluxe stainless steel toilets, and four showers.

Along with concrete and metal decorated with white paint to match the inmates white clothing. John's cubicule area was to the South/west of the building, and when John first saw it, he thought of the movie Shawshank Redemption. And he would be very happy when he could leave this metal/concrete cage and return to society.

He had ten months served on a two year sentence for burglary of a building. And as these thoughts were running through his mind, he pondered for the first time in his young life just what direction his life would take?

He then recalled suddenly a dream that he had, and in it he had been
arrested for a crime that he didn't commit. He wondered what his purpose in life was? What did it mean---

Suddenly his thoughts were interrupted, as he felt his bunk shaking because someone was kicking it. So he opened his eyes, and saw a guard looking at him.

"Banos, what is your TDC number?", the guard asked.

"507171", was the response.

"Pack up your property, you are on the chain gang", he said.

John sprang up out of his bunk, and opened his locker, and started to pack up his property, no longer worried about going to work any more. See, because in prison the phrase 'chain gang' is prison slang that means, "you are going home".

After he packed up his property, he was at a lost as of what to do next. So a fellow Wood who was observing him, knew what was going on in his mind from experience yelled out, "You might as well sit back down, because it will be a while". So John looked over in his direction, and saw him. So John nodded his head at him to say thanks. A Wood is a prefix of the name Peckerwood, and a Peckerwood is a caucasian man in prison who will fight, and not pay money for protection or be a homosexual for a black man or a mexican man.

So John passed the time with making plans on getting a job, and buying himself a car. So about forty five minutes passed, and another guard came to get him. And he was taken to a 50X45 square box, with what else?

Concrete and metal.

So to avoid being bored, John decided to look out the glass window as he was hoping to spot the Blue Bird bus that would transport him to his final prison destination. To the famous slaughter house of the Lone Star state
where the executions are carried out. And that is 'the Walls Unit' in Huntsville, Texas so that he could be released back into society.

For all TDC inmates the Walls Unit will be a blessing to some, and a curse to others. When men and women arrive at the Walls Unit, whether on Death Row or to be released into society, they will leave out of a door or in a body bag. But it's the final release center for both.

As John stood there looking out the window with about twenty three other men in the room, he knew that some would immediately run to the nearest drug house in their city of residence, so as to purchase their favorite choice of a hallucinogen. And they would do so for the sole purpose of getting high. But for most, it was their way of dealing with reality, which was how they did their time incarcerated. But a majority do it to escape the horror of prison life, and when they leave prison they can't leave the memories behind. So they will take it with them, and it will slash at their conscious mind, and the only escape is with the assistance of a narcotic.

From John's observation, the men who came to prison to be rehabilitated don't get any better, but instead they just get worser.

And the prison officials are doing this intentionally to the inmates. So here's the dirty little secret: 'The government has invested too much money into prisons, and they will not allow the prisons to become empty, which means that they do not want to rehabilitate inmates. Especially the ones who own stock in any business or entity that is owned or controlled by TDC. So the government is addicted to a high recidivism rate, as an addict is to a hallucinogen. So the government strategy is to mentally damage inmates, so that they will go out and commit another crime, so that TDC can keep an
influx of prisoners coming, so that the dungeons are filled to capacity. And because TDC produces a lot of products, the government needs their slaves'. John read that a woman's prison makes diapers.

But John also had observed another aspect of this as well. And that is, that most of the men leaving will return to a life of crime, because they have observed, and experienced personally in most cases, how corrupt the government is, and so they lose all respect for authority.

And they learn the basic fundamental rule of the criminal world: 'Don't get caught'.

'And even though the governmental criminals have the advantage over the 'Joe Blow' criminals of society, they still want to fight against the odds. When instead they should be telling the citizens what is going on, and bring down the TDC criminal empire.

John's leg was starting to get stiff from staring out the window, and thinking about what he had learned about the government. So he shifted his weight, and turned around, and looked to his right, and he noticed two black men squatting down. And one was singing a rap song, while the other was tapping his hand on the stainless steel toilet in an attempt to produce a bass-drum sound. And John could hear the words to it. But he was singing about how in the hood he was doing bad, so he slapped his home boys T-Jone. And he was pimping her out on the cut, where she was selling her big butt. And his home boy shot at him, but he missed because he is a true pimp. But then the white police were hating on him because he has on some new clothes, so they arrested him, and that is why he is in prison. And that pimping aint dead in America, just that the nigga's are scared to pimp.

John was thinking that they more than likely arrested him for assualting
the women, and forcing her to be a prostitute, and for being a sick
minded individual. And not because of some new clothes.

But that was the reality of life, and John heard a lot of blacks inside
prison place the blame on the police, and not themselves.

John recalled just then when he first came to prison, and he was at the
Diagnostic Unit. And while he was waiting to shower one day he heard a
black man say, "It is the judges fault that i am in prison". "Oh yeah, what
you in prison for cuz?", another black man asked.

"For selling dope", was his response.

"Yep, it's definately the judges fault all right", John thought
sarcastically as he laughed to himself.

Well in John's situation it was very clearly his own fault that he was in
incarcerated. And he was determined to not come back, because freedom really
is a precious entitlement to have, thats value is priceless.

John then went to studying the concrete box that he was in. Just a square
box of bricks, that were painted white with a single toilet, and just three
benches with a single door for entering and exiting. Pretty much a type of
coffin he thought.

Thirty four minutes passed before the Blue Bird arrived that would be
transporting John and the others to their final destination of the TDC
prison system. So John waited, and a guard called his name, and he gave the
guard his TDC number. He then had some handcuffs placed on him, and he
boarded the last bus, and found himself a vacant seat, and sat down next
to the window.

After everyone else was placed on the bus, and the guards had obtained
their pistols & shot gun from the guard tower, he spent the next two
hours travelling down the concrete roads of Texas, staring out the window on his bus seat. Looking at the houses and open fields that they drove by, his thoughts for once in a long time just calm and relaxed in a neutral state of being.

They arrived at the Walls Unit, and John exited off the Blue Bird bus, expecting to hear 'Free bird' being sung by Lynard Skynard, but no such music presented itself.

When he got on the Blue Bird bus ten months previously at the Tarrant County Jail to come to prison, the radio on the bus was on, and the song that was playing was, 'Jail House Rock' by Elvis Presley. The handcuffs were taken off for the last time, and John gave his TDC number to the guard again, as the guard was looking at the rosters of names. The prisoners were escorted by another guard to the Brass Room, which has this name because the room is surrounded by brass bars.

Now a key element in prison for an inmate, is that he ends up doing a lot of waiting during the term of his confinement. Now the most obvious one, is that he or she waits while they serve out their sentence. But they have to wait for chow to be called, and they have to wait for mail call, or they will wait to go to commissary, etc..

So now John found himself in the Brass Room waiting to be released, but it was no sweat, because he had become a professional waiter. So he waited for about thirty minutes when his name was called.

He gave the guard his TDC number again, and he was escorted to the visitation room where he changed out his fashion apparel, exchanging his white shirt and pants, and black work boots, for some blue looking auto mechanic clothes, and a pair of Bruce Lee Kung fu styled shoes.
Upon completing that act, he then stood there waiting for about four minutes when his name was called, and he went before a parole lady. 

"What is your name?" she inquired. 

"John Wesley Banos" was the answer. 

She looked through some papers there on the counter before her, and found the right one. 

"What is your TDC number" she asked. 

"507171", was the answer. 

"I need for you to sign your name right here on this paper", she said as she slid a paper his way, and then pointed at the area with her finger where she wanted his John Hancock at. 

So he signed the paper, and then she handed him two checks along with his social security card. 

He collected his documents from her, and then went to stand by the back wall while he was waiting for everyone else to be processed out. 

Once everyone was done the guard had everyone line up in a single file, and tuck our shirts in. That way when we went out the door back into public we would look like professional rehabilitated criminals. This way if the news media was outside with a camera, then TDC could make a good impression on the citizens of Texas. 

The outside door was opened, and John walked out to freedom again, and even though John still didn't hear Lynard Skynard singing 'Free Bird', John did hear some sparrows chirping a melody that bespoke of the blessedness of freedom, and the freedom to go where one wants to. 

And now John was on his way to fly home on the Trailways bus to his wonderful sister who lives in Hunt County, Commerce, Texas, and was
attending East Texas University College there. And John was going to this city, because destiny was taken him there.

John walked into the clothing store that caters to the prisoners being released that the inmates in TDC told him about. As John walked in through the front door, he noticed to his left a young pretty blond caucasian Princess standing there, and there was a radio blaring. And the song was called, 'You got the right stuff baby' by New Kids On The Block', and she definately had the right stuff, John thought to himself.

So John looked around the store, and spotted a rack that has Stone Washed Levi Jeans on it. So he went to it, and started searching for his pants size, when he felt some one touching his shoulder.

So he turned his head thinking it was a failed rehabilitated criminal who was looking for trouble, but instead it was the same before mentioned caucasian Princess. And standing behind her to her right was a gracious mature caucasian lady, and standing beside her was a very young girl who was about six years old.

So John thought that she wanted to walk past him, so he moved forward and pressed his body against the clothes rack, but she didn't move.

But instead she was, it appeared to him, to be looking at the clothes on the other side of John, as if she was searching out for something that the lady wanted. And she left her right hand on his shoulder.

And John became very suspicious.

Obviously she knew that John had just been released from TDC by his royal apparel that he was dressed in. It screamed convicted criminal.

And John had heard stories while he was incarcerated by other inmates, that there was women in Huntsville that will seduce a released inmate, and
then will scream rape. So as John looked at her with suspicion, three
thoughts glided through his mind. And that is (1) that she just a tease; (2)
that she would have sex with him, and then cry rape; (3) she was going to
charge him a hundred dollars for sex, and then yell rape.

And she had to know that when all prisoners are released from TDC that
they get a check for two hundred dollars.

So very wisely John turned back to the clothes rack so as to let her
know, that he wasn't interested in her. So she must've gotten the message, or
spotted easier prey, because she left.

John didn't know if she was like that, but with him just being released
from prison, he was surely the last person that she should be touching.

He was a convicted thief.

So John purchased for himself a pair of Stone Washed Levi Jeans, and a
Harley Davidson T-shirt, along with a pair of New Balance tennis shoes that
are high tops, and mostly white painted leather with a grey stripe along the
bottom and on the back of it.

He also acquired a pack of his favorite nicotine, which is Marlboro Reds,
and a faithful Bic lighter, and a one way ticket to a blight future.

And then once again he found himself waiting for a hour before the bus
would arrive. But he was alright.

Because he was a professional waiter. But John thought to himself that he
better not put that on any job application, because the employer would
with out a doubt interpret that completely all wrong.

But this waiting faze here was completely different for him than the
prison aspect was.

Because in prison when you waiting for something, you generally already
had an ideal of what the outcome would be, but this here has an added mysterious element to it. And anything could happen.

But at the same time it seemed that he was more relaxed now, then he was while he was locked up in a concrete metal box.

So nothing out of the ordinary took place while he was waiting, so the bus finally arrived, and John and four others climbed aboard the bus, and gave their tickets to the driver.

John stepped onto the bus, and to the left he spotted an empty seat to his left, and so he took it. He got the seat by the window.

John was eighteen years old, and he wasn't exactly pleased with the direction that his life was taking. Especially the part about being incarcerated in a state prison, and caged up like an animal or something.

And as he was reflecting on these thoughts the driver got the bus on the highway heading towards Dallas, and his conscious mind caused him to remember a dream that he had about two days previously.

But in the dream he had arrived in Commerce, Texas, and he meets his sister, and a friend of hers was there as well. So he was explaining to his sister that he needed to go to Austin, Texas, so that he could find his ex-girlfriend, and retrieve his clothing back from her. But that he didn't know his way around Austin.

So his sisters friend, Stephanie volunteered to be his guide in Austin, and help him locate his ex. So he informed her that he didn't have a vehicle, and Stephanie didn't either. But then Stephanie informed him that she knew some one who has a car for sale. So they went to see Jeff, and Jeff had a 1986 Camaro Z-Rock for sale. Jeff informed John that he would sell the vehicle to him for $500.00 dollars. And that John would have to deliver two kilo's of
cocaine for him to a man in Austin, Texas. So John accepted the offer, and he and Stephanie was on their way to Austin, and they stopped at a restaurant to eat. And when they came out after eating, there was a police car along with a police officer by his car. So they walked up to him, and the officer turned to them and asked.

"Is this your car?", looking at John & then glancing at Stephanie.

"Yeah, it's my car", John answered.

"Well this car has been reported as stolen", the officer said.

"I was with John when he bought this car from a guy named Jeff, and he didn't steal it", Stephanie said with irritation.

"Well that doesn't matter, I still have to arrest him", he replied.

It was then that John had awoken from the dream, and laid there on his blue suede plastic mattress pondering the meaning of this dream. And now once again he was wondering what the significance of this dream might mean?

Would he go to Commerce, Texas and be arrested for a crime that he is innocent of?

John stared out the window, and he was looking at the houses, and the vehicles, and he would admire some, and not admire others, while his thoughts were running randomly over the events of his life from birth.

Destiny had saved him a few times from harm and death, and once before he was even born. And so was this dream a reflection of what destiny has in store for him?

John didn't have a mentor or a friend that he could consult with who has wisdom in such matters, that could shed some light and intellectual discernment on this mystery.
So John just gave himself a mental shrug. Maybe this dream was just a dream?

John looked towards the front when the bus started to slow down, and saw that the bus was pulling into the terminal, and once it stopped he stood up and headed towards the exit. He inched his way to the door as passengers disembarked from the bus.

He stepped off the bus onto the terminal pavement, and turned side ways to squeeze between people who were wrestling with luggage. Travelling light has its benefits he thought to himself.

Up ahead he spotted the access door to the inner bus station, and he made his way there. Upon entering the station he saw the counter where an employee of the station was working at. So he went to her, to see if she could help him.

"Can i help you sir?", the lady asked him.

"Yes, i need to know when will the bus that is going to Commerce, Texas be arriving here?", John inquired.

The lady glanced down at a piece of paper that was on the counter before her, and she was running her finger down a chart of some kind.

"Your next bus will be arriving approximately in two hours", she said as she raised her eyes up to him.

"Ok, thank you", John responded.

He turned around and set off walking thinking to himself, "Great, i am stuck here for two more hours".

So John started out killing the time by walking around, and exploring the bus station with slight curiosity. Looking at the different people wondering what their destiny was?
Were any of them ever in prison like he was, for being a victim of their own ignorance like he was?

John then got bored with walking around and looking at the different people, and asking himself questions in which there is no answer. So he saw the small T.V. sets for customers to use, so he strolled over to one and sat down in a plastic chair before one, and saw that it wanted 25¢ of his money to communicate with him.

So he reached into his front pocket, and dug out a quarter, and dropped it into the designated slot, and the screen flickered to life.

So he turned the knob in search of a station that was coming in clear, and the only two that was coming in clear was a talk show, and some cop show. So because he was bored he decided to watch it.

He recognized the show, because he had watched it before, but he couldn't recall the name of it. But basically the theme of the show was that all cop's are honest and moral, and that they would never pull a dirty stunt. But that wasn't reality.

But he sat there and kept on watching it, and then the name came to him. It was NYPD Blue, or something like that.

He eventually got bored with watching it, and so he stood up and went walking again. He then started to wonder what was the purpose of life?

Since he was about five years old he had believed in a creator, and he believed in the bible. But he never had a personal experience with the creator. And now that maturity was starting to kick in inside his brain cells, this question held a lot of interest for him.

He then heard his bus numbers being announced over the speaker by an unknown man who was some where in this building. John headed for the doors
that brought him into the terminal earlier. He walked through the door that automatically opened up at his approach, and headed for the buses in search of his. The third one that he looked at was his, and he reached into his pocket and pulled out his ticket.

He walked up to the bus on stepped onto it, and handed it to the driver. He looked it over, and confirmed that it was legitimate, and John headed down the isle searching for a seat.

This time his seat was all the way in the back of the bus, and he sat down by the window, and when he looked towards the front he could see two young caucasians lady walking his way. So he would have some quest soon, because the bus was filled to capacity.

"Hello there, my name is Laurie, and this is my sister Lisa", Laurie said pleasantly as she and her sister sat down in the two unoccupied seats to his right.

"Hi, my name is John", he responded.

"We were visiting my grandmother who lives in Dallas, and we live in Texarkana, and now we are on our way back home. Now i have to get ready for my wedding, because as soon as my boyfriend graduates from High school, we will get married", Laurie said with a happy radiance on her face, as Lisa sat there quietly listening to her sister.

Even though John would have preferred to be left alone, while he tried to discover answers to his life questions, and try to discern the meaning of his dream. But Laurie is a beautiful lady with a joyful spirit, and so the distraction was a pleasant one.

"How often do you get to see your grandmother?", John inquired as he thought of his grandmother. He flipped open the top of his Marlboro Reds
box, and extracted a coffin nail, and lit it up inhaling the clouded
vapors.

"We visit her every summer, unless something comes up, and we can't go. But
then we will call her and talk to her", she responded.

"Are you in the military?", Laurie asked.

He turned to look at her, as he was wondering what had prompted her to
ask such an odd question.

"Why do you ask that?", he inquired curiously.

"Because your hair is so short", she responded.

He was about to tell her that he had just gotten out of prison, and that
is why his hair is so short.

But then he saw Lisa, and he didn't want to scare her, so instead he said.

"No i am not, it's just that i like to have my hair short during the
summer time, because it is so hot".

Laurie seemed satisfied with his answer, so she turned to look towards
the front of the bus.

His answer to her is technically true. Because he did like to have his
hair short, and he never in his life did he have long hair, except for when
he was in the Tarrant county jail, and he couldn't get a hair cut.

And his hair is straight all over, and not curly any where, and his hair
is dark brown.

John is of German, Dutch, Irish & French ancestry, and he was born in
'Tucker' Georgia on September 8, 1970.

And he never met his biological dad, and so he didn't know what his
ancestry was on that biological equation of the genetic factor.

And his wonderful mother, Princess Martha Jo White was born in Tennessee,
and her mother was also born in Tennessee. But John's great grandmother migrated from Germany to America.

John listened to Laurie as she went on talking about certain things of interest to her, and John was enjoying listening to her, because of the joy and spark that she radiated. And John wondered would he get married one day, and marry a woman like Laurie?

"How old are you?", she asked him.

"I am 18 years old", he said.

"How old are the both of you?", he inquired.

"I am 17 and Lisa is 12 years old", was the response.

"Don't you think that seventeen is a little to young to be getting married?", John asked as he looked at her.

"No, not really. My mom got married when she was sixteen years old, and my Aunt Patty got married when she was fifteen", she said with confidence.

What does that dream mean, the thought suddenly crossed his mind?

John turned his head to look out the window of the bus, and as he was looking at the houses that the bus drove by, and as the bus slowed down he saw in the yard of some ones house a sign with a light above it, and it read:

I apprehend no danger to our country from a foreign foe...Our destruction, should it come at all, will be from another quarter. From the inattention of the people to the concerns of their government, from their carelessness and negligence, I must confess that I do apprehend some danger. Daniel Webster.

At this stage in his young and immature life with a lack of data, John couldn't comprehend the significance of these words.

But school was about to begin, and destiny is the Professor, and John
was the pupil. And very soon John would meet the author of destiny, and he would see why it is best for a lad to bear his yoke in his youth.
II

ENEMY TERRITORY:

Friday, June 16, 1989 1:15 a.m.

Commerce, Texas

A foolish faith in authority
is the worse enemy of truth.

Albert Einstein
CHAPTER TWO

The Trailways bus arrived in Commerce, Texas, and John said goodbye to Laurie and Lisa, and headed towards the front of the bus, and stepped off.

He was the only person to get off the bus, and when he stepped onto the ground he saw two lovely young ladies who were loading their luggage under the bus compartment. And they gave him the look that let him know that they found him to be cute. And his stare back at them said you are beautiful, but since they were leaving, and he was staying they would be unable to engage in any conversation.

So he kept on walking across the pavement as he was searching for the bus station. He then spotted it.

And it didn't look good.

He saw the Trailways bus sign on a raggedly looking building, that was about 20 x 20 and there was no light on inside it.

And all of the other buildings looked old and all appeared to be closed for the night, and not a single window had a light on.

"Great everyone is asleep, and i need directions", he thought to himself.

So he continued walking towards what appeared to be a sort of down town like looking area. And up ahead he saw a door with a light on, and there was a sign above it that indicated that the place was a police station. And it appeared to be the only building with a light on that was opened.

So John shrugged off his misgivings that he was feeling, and so he summoned up his German ancestral courage, and he walked up to the door, and peeked through the glass, and he saw two police officers at a desk.

One was sitting behind the desk facing the front door, but he couldn't see John, because the other officer was speaking to the other officer and he was blocking his view of the front door.
John opened the door, and a bell rang which caused both of the officers to look towards his direction.

"Can I help you?", the officer asked who was standing up.

"Yes, can you tell me where Ash street is at. I just got here on the Trailways bus, and I don't know where it is at", John said.

"Yeah I know where it is, and if you would like, I will drive you over there", the officer said.

"Yes sure, I would appreciate it", John said.

So they walked out of the police station, and John followed him to a squad car, and the officer unlocked his door and hit a button which unlocked the passenger door, and John opened the door and got in, and got in the seat and closed the door. The officer started the engine, and put it in reverse and backed up.

"Where are you going at on Ash street?", the officer asked.

"The house is at 413", he answered.

"Does it get roudy here on Friday nights?", John inquired.

"It usually gets a little wild on Thursdays, but on Fridays it is usually pretty much quiet", the officer said.

The car started to slow down, and John could see a row of houses and a church beside one house.

John thought that was kind of odd, because every where he lived it was on Friday nights when people get roudy.

The car then stopped, and John was a little surprised at how quickly he got to his destination.

"Well, here you go", the officer said.

"Thank you", John said as he opened the door, and stepped out and was
feeling better once he was out of the car.

"Sure", was the response.

Officer Jason White looked at John as he walked up to the front of the house, with a sinister smile on his face, and stepped on the gas pedal and drove away into the night.

John walked up the sidewalk to a single story house, who's front lawn was in dire need of a professional landscaping job. The house was painted white, and the house was probably built in the 50's or 60's with two large windows on either side of the front door, with a wooden porch that had seen better days John thought to himself. But it was a castle to him, and was better than the concrete, and metal box he came from.

He stepped onto the porch, and could see a light on inside the house, so it meant that someone was awake. So he knocked on the door.

"Who is it?", Maryann asked.

"It's John", he replied.

"John who?", she asked.

He smiled and gave a small chuckle of laughter at the question.

"John your brother", he said.

Maryann opened up the door, and they both went to each other and embraced one another in a very long over due hug.

"Well, this sure was unexpected", Maryann said.

"Yeah I know. I didn't know that I was being released until they came and got me", John responded.

Maryann and his brother Billy turned out to be the smart ones in the family, because they didn't get into trouble with the police.

And Maryann had graduated from High school, and now in College at
East Texas State University Collage, and she was doing real good. John was always getting into trouble with the police as a youth for being dumb, and he was born with adhesive fingers which had the tendency to get stuck to items that didn't belong to him.

It's possible John thought to himself before that he might be a descendant of a Kender?

But when one finds themself caught up in the path of destiny, they will go down what appears to be unusual routes along the journey that are designed with specific intent to prepare them for the main event.

Saturday June 17, 1989 3:41 p.m.

Commerce, Texas

The past day and a half that passed were wonderful for John, as he was enjoying his freedom again.

He was laying down on the couch watching a T.V. show about a Detective who kept seeking a woman of interest, and she was always in a crowd out on the side walk in the down town part of the city. And then before he could even start to walk towards her, she would disappear among the crowd, and he didn't know where she went.

"Hey John, can you hear me?", Maryann asked.

"Yeah, I can hear you", John responded as he turned from the T.V. to look at her. And he saw a brown headed 5'8' beautiful caucasian woman standing there beside her, as he was wondering who she was.

"I just stood here, and called your name ten times, and you didn't hear me calling your name", Maryann said accusingly.

She has to be exaggerating, John was thinking as he looked at her. So he didn't know how to respond.

So he decided to invoke his fifth amendment right to remain silent,
because he didn't know if she was serious or if she was joking.

"This here is my friend Caroline Welch, and she goes to my church, and we have been friends now for five years", Maryann said as she smiled.

"Hi there", Caroline said to him.

"Hi there yourself", was his response.

Maryann turned her head to Caroline, and went to talking to her about something. So John turned back to the T.V. show, and he saw the lady in the crowd, and then poof she was gone, and the Detective was looking frantically every where for her in the crowd, but he couldn't locate her.

Maybe he is a bad Detective, and destiny was protecting her, John's conscious rationalized.

"Why?", John asked himself.

No response.

Sunday June 18, 1989 10:00 a.m.

North of Heaven

"Do you think that we can reach the lad?", Yahweh asked.

"I am not sure, but he has so much potential that it is possible", the Holy spirit answered.

"Keep me posted every day on what happens, so that i will know what i need to do", Yahweh said.

"It will be as you have said", the Holy spirit said.

Tuesday June 20, 1989 7:10 a.m.

Greenville, Texas

As the sun was rising in the east it flooded the sky with it's warmth beaming sun rays, and another day was beginning in which the masses of Society go blindly about their day, thinking that they were safe from the criminals. Because the honest law abiding D.A.'s, judges & police officers
were working really hard to keep them safe from bad people. Well that is, a very well perceived threat, but not from the disguised threats.

F. Duncan Thomas sat at his desk preparing his opening statement in the case of STEVE NELSON V. THE STATE OF TEXAS, in which Mr. Nelson while he was incarcerated in the Hunt county jail on traffic violation tickets had called one of his criminal friends, and had them torch his car, so that he could collect the insurance money on it, and get himself out of jail.

The case for insurance fraud was a strong case against him, and he would get a conviction on it. He always gets a conviction.

He finished writing the last lines of his diabolic statement, and he turned around to look out his office window. He enjoyed watching the sun rising in the early hours of a new day. He spotted a young blond woman walking down the side walk in a yellow cotton dress with high heels adorning her feet. She was too far away to make what brand, but seeing her caused a fond memory to spring forth, and he smiled.

It was the year 1947 when he had just reached the age of eighteen, and at High school he had became infatuated with a new blond girl that had just arrived. Her name was Tammy Cook, and his supposed to be best friend Jason Halibert knew this.

But he went ahead and won Tammy, and they started to date each other. And Duncan was furious, and he wanted to get revenge.

So Duncan knew that Jason was still having a relationship with his former girlfriend Susan Mills.

But Duncan needed to get proof of it, and to do that he would have to break into his house, and get the evidence from his bed room. He knew that Jason & Susan were writing to each other.
The plan was brilliant but simple. Jason and his parents went to church every Wednesday, and they were Southern Baptist who clung to their bibles and gun’s. And he knew that they left their back door unlocked.

So on June 25, 1947 on a Wednesday night at 8:07 p.m. Duncan left out of his bedroom window making sure to be very quiet, because his parents were in the living room listening to the radio, and they had an unique ability to be able to hear Duncan if he made the slightest noise.

He eased out the window, and lowered himself to the ground, and made his way to the fence which went around the backyard. It was made of Golpher wood and it was painted white, with pointed tips at the top of end of each of the four foot tall pieces of wood. And he knew that the points would bite into his body some where, as he learned from experience.

So he had to be careful. So he scaled the flesh hater’s pretty quickly, and was attacked on his chest, stomach, and legs winching in pain. He lowered himself to the ground, and made his way down the alley, as his eyes darted around to make sure that no one was watching him, as his forehead and the palms of his hand started to perspire from being nervous.

He was at the enemy’s house in just under five minutes, and looked towards the house, and he could see that all the lights were out.

So he made his way to the back door of the house, being grateful that the enemy didn’t have a fence around his house. He looked to his left and right to make sure that none of the neighbors were looking in his direction.

He didn’t see any one.

He walked slowly up to the door, and paused as he put his ear to the door, and he didn’t hear a single sound just as he had expected not to.

He opened the door slowly, and eased into the house, and as soon as he
stepped in he turned around to hold the door handle with both hands, and closed the door slowly, but he didn’t close it all the way in case he had to make a hasty departure.

He turned back around as he surveyed the living room, noticing that every thing appeared to be in order, except that on a small corner table by the door frame that lead to the family bed rooms in the back was a lighted lantern that was on low.

Maybe they forgot to blow it out when they left for church, Duncan reasoned.

To his left was a blue and gray couch with a painting of George Washington above it, and Duncan was sure that those eyes were following his every move.

Across from the couch was the newest television set to come out on the market, and in the kitchen he could hear the refrigerator running.

And yet, even though he couldn’t detect anything out of place, but for some reason his nerves seemed to be on edge. He had burglarized houses before, and he was never on edge like this before.

He walked across the living room, and he got to the door frame, and was going to make a right turn, and head to Jason’s bed room, when all of a sudden he heard a toilet flushing.

And panic soared through him.

He instantly spun around, and in his panic state of mind his left hand hit the lantern, and it toppled to the carpeted floor, and the carpet caught on fire.

But Duncan ignored it, and darted for the back door, and when he got to the back door he yanked it open, and stepped out side and sprinted across the back yard. To his left on the far side of the back yard, he saw an old bum
digging in a trash can whom everyone called "Jew Fish", but his real name was Israel Finklestein who is a survivor of the German Nazi concentration camp called Auschwitz. And he was called "Jew Fish", because he was always fishing in a trash can looking for something to eat or sell, and because he had his head in a trash can, he didn't see Duncan.

Jew Fish looked up with out finding anything that was good to eat, and he noticed smoke coming out of a window at the Halibert house, and then he heard some one screaming for help.

Even though Jew Fish didn't like the Halibert's, because they would always run him off when they saw him searching in their trash can. But he couldn't stand to see anyone being hurt. So he trotted to the house as fast as he could, but with a limp in his leg courtesy of the Nazi's who beat him.

But he was making slow progress. When he was about ten feet away from the back door of the house, he tripped over a water hose, and upon him falling down on the ground his head hit a rock. So he was dazed for about thirteen seconds, but he struggled back to his feet, and saw that the fire was spreading rapidly.

He reached the back door that was already opened all the way, but in his haste to help he didn't even acknowledge that little tibit of factual information there. He could hear someone screaming even more loudly, and more desperately now.

Neighbors came out of their houses to the left and right, and a man who came out of the house on the right yelled that he would call for the fire department. Jew Fish stepped inside of the house, and the extreme heat of the fire caused him to have flash backs to the concentration camp he was in where Jewish men, women and children were cremated by the Nazi's. And as the
memories came crashing in, it caused him so much pain that he backed up a few steps, and became transfixed by the flames, and he was held captive by the Nazi horror, and he was frozen in place, and couldn’t move a muscle.

But what was intriguingly fascinating about the whole ordeal, and what had astounded Duncan about it, is that Jew Fish had been charged with murder in the first degree. And at his jury trial the state claimed that Israel had a history of making derogative statements about the Halibert family, and that on several occasions he had made threats to the family.

And on two separate incidents Mr. Halibert had called the police to lodge a complaint on Mr. Finklestein for trespassing and making threats.

And the state claimed that Mr. Finklestein acting out of rage did enter the residence of the Halibert house to steal some food, and that he intentionally over turned a lantern that caused the residence to catch on fire. And that he knew that the Halibert family went to church every Wednesday night, because Mrs. Halibert had invited him to come to church with the family on Wednesday nights.

But on this night Mr. Jack Halibert, the dad of David Halibert and grandpa of Jason Halibert had arrived at his sons house on Tuesday June 24, 1947, and that he didn’t go to church with them that Wednesday, because he was feeling ill.

And that upon Mr. Finklestein hearing the screams of Jack, just stood there at the back door, and had refused to go in there and render aid to him, and rescue him from the burning hell that he was in.

Both neighbors took the witness stand for the state. Mr. Frank Moore and Mrs. Stacy Hill, and they testified that they could hear a person screaming who was in agonizing pain, and that the defendant had just stood
there at the door, and refused to enter the house and help the person inside.

And then police officer Michael White took the stand, and testified how he was called out to the Halibert residence, because of Mr. Finklestein making threats to the Halibert family to hurt them.

Mr. Finklestein was advised by his lawyer who was working for the D.A. on the sly, to not testify at the jury trial, and because Mr. Finklestein didn't know any better, he listened to this bad advice and he didn't testify. So each lawyer gave their closing arguments, and the jury came back in fifty four minutes with a guilty verdict.

Duncan was totally scandalized about this happening, because it was a total twist of reality, and a complete distortion of what really happened that night.

But then Duncan was able to perceive just how gullible people are, and that if you present to them a set of circumstances that seems to be legitimate, and because you were considered to be an honest person i.e. an elected District Attorney, that you could make people believe anything.

It was then that Duncan had lost all interest in Tammy, and he knew right then that he wanted to become a District Attorney, and that he would be the best orator in judicial history, and that the world would recognize his greatness, and that Tammy would feel like a complete idiot for not picking the great and magnificent F. Duncan Thomas District Attorney, and the best orator of the whole world.

Duncan continued to look out the window as he watched the blond soon disappear from sight, who had reminded him of Tammy.

It was on that day that the seed of corruption was planted in his heart, that would soon sprout and produce a large crop of sinister acts.
Wednesday June 21, 1989 7:13 p.m.

Pergamos

"You called for me my Lord?", the demon asked.

"What did you observe concerning that John there in Commerce, Texas?", Satan inquired.

"He has an angel going everywhere with him, and that the Pastor of his Church Janice Luke has been praying a lot for him. But it is just the usual activity of our enemies", he said.

"Let me know if anything unusual happens", Satan stated.

"It will be as you wish", the demon responded.

Thursday June 22, 1989 9:48 p.m.

Commerce, Texas

As Caroline was preparing to give her thesis on justice to her fellow college co-eds, she was looking around the room trying to locate her best friend Maryann, because she wanted to ask her a question about spiritual warfare.

She really valued Maryann's opinion and insight. Because it was Maryann who had convinced her that she was born with a strong hold evil spirit in her, and that even though she had been spiritually reborn she had to have the demon cast out.

So Caroline believed her, and she had the demon cast out of her, and when the demon left she felt so wonderful inside. And a lot of sin issues that she had just disappeared. She was still tempted by demons, but she didn't struggle with anything.

Her history teacher, Mrs. Melinda Nelson approached the podium, and
requested for silence from the audience who came to hear the thesis being read by a student, which took place every Thursday, and it was designed to encourage the students to research history at a more indepth level.

"Welcome everyone to the weekly thesis history reading, and this week we have Ms. Caroline Welch whom I am sure all of you know for her strong stand on issues involving justice. So now let's hear from Ms. Welch", she said as she started clapping her hands, and looked over at Caroline while the rest of the class applauded as well.

As Caroline walked up to the podium, she was glancing around the room searching for Maryann, and she spotted her at the back of the room, and waved at her and smiled, and Maryann waved back with a smile on her face.

Caroline stepped up to the podium, and set her thesis down on it, and then grabbed the microphone with her hands and adjusted it. She looked out at the audience, and begin to speak to them.

"The word justice comes to us from the Latin language from the word 'Justitia' that came into existence around the middle English era, between 1150-1200 AD, and in essence it means, 'rightness, lawfulness that invoked moral principles', and it creates a moral society. The first caucasian European settlers that came to America was not only wanting the freedom to practice their theological doctrine as they deemed right from scripture in the bible, but they were also wanting to build a colony that was built upon the principles of justice, because the Monarch government of Britain was hostile to the people living out their theological beliefs, but that it was also hostile to justice and freedom.

So this biblical concept created the first inklings of the spark for justice and freedom which rapidly spread among the thirteen colonies here
in this new land. But America winning its independance was a slow and gradual process so that now over a hundred years later, several men who were chosen by destiny were prepared to draft up the Declaration of Independance which struck fear in the heart of Satan, who is very hostile to justice and freedom.

But when the other people in Europe and else where in the world learned of the freedom and justice that was established here in America, they were running to come over here, and they forsaked their ancestral roots to escape the injustice of their dictator governments.

So they landed on the shores of America that was named after the Italian adventurer and explorer Amerigo Vespucci who lived from 1451-1512.

So they were filled with hope and joy to become a part of a government that was virtous, and that would be the emblem of a true representative and defender of truth and justice, and that would exercise its Yahweh given authority in harmony with his will and laws that will veheently defend the people against corruption and injustice".

As Caroline kept speaking the audience was captivated by her every word, and in the spirit of the covenant christains the words did fortifide their faith and strength in Yahweh.

Because they know that Yahweh Loves justice as he says in Proverbs 21:3, 'To do justice and judgment is more acceptable to the Yahweh than sacrifice'.

Caroline continued to talk, "The Declaration was given to us by Yahweh on July 4, 1776, and then after the authors of the U.S. Constitution had prayed to Yahweh for guidance, he gave them the words for the constitution in 1787, and it was in effect on March 4, 1789, and it was the foundation of justice in America, and the words of wisdom are there to guide us down the right path."
But now here in this wonderful land certain individuals who are agents of Satan, and who are hostile to truth and justice have infiltrated our judicial system, and our republican form of government using a Trojan horse, and they will use the courts to take away our rights & freedom by the judges using legal fiction. And now the responsibility is on our shoulders to defeat the ENEMIES OF JUSTICE, and we must fight for and preserve our form of government that was given to us by Yahweh. And has been a beacon of light to the whole world that you can have prosperity, liberty, justice, due process of law in the pursuit of happiness under an unified government that will promote the welfare of everyone, and that all political power is inherent and delegated by the people and for the people, and all officers of the agencies of the UNITED STATES possess only delegated powers for the sole purpose of enabling them to support and defend the Constitutionally expressed rights of the people.

And Edmond Burke said in 1795 that;

All that is necessary for evil
to triumph is for good men to do nothing.

And now I want to exhort everyone to step up and make a stand for justice in this land that Yahweh has given us, and for the Constitution that he has blessed us with.

Caroline finished her thesis, and the crowd was breathless, and then erupted into a thunderous applause for her, and she looked at Maryann and saw that she was not only clapping with enthusiasm, but that she also had tears coming down her face, and she noticed that others were crying as well.

But then all of a sudden for about three seconds she felt a very evil presence close to her, as if Satan was standing there, but then the feeling
was gone. Caroline stepped off the stage, and headed towards Maryann and shook the hands with students and faculty as she made her way to Maryann.

"Well, well, that was a passionate oration that you gave there on justice, and I am sure that the Lady Justice is beaming with a bright smile", Maryann said to her.

"I am glad that you like it. But I really need your help, so are you busy?", Caroline asked.

"No I am not busy at the present moment, so yes I can help you. But I need a lift, because I want to speak with Janice about an idea that I have for church on Sunday", she said with a smile on her face.

"Oh sure no problem. I will drive you over there", she responded.

$$$$

'In the contours of jurisprudence here in America, an elite group of men have created a false illusion in the minds of the citizens, and they were able to do this, because they are cloaked under the guise of criminal justice so as to carry out their evil agenda.

And because the citizens are naive, and believe that their judicial is honest, and a virtuous judicial that defends liberty & justice.

The art of deception has been very successful'.

An excerpt from
Diary of Vile Truths
by Sir Gammad

Friday June 23, 1989 12:41 p.m.

Greenville, Texas

The office was a moderate size office with an average wooden office
desk with a Texas Rangers cup at the front center of the desk that has about ten pens in it with a few paper clips in it.

There was a stapler to the right edge of the desk with a 11 '9' calender in the center of it. There was three filing cabinets that are sitting on top of a green carpet.

On the wall to his left is a painting of a barn with a windmill, and there was two metal chairs in front of his desk. He kept things simple in his office, and he was sitting in his chair leaning back while he was talking to a witness he would use in the Steve Nelson case.

Just then his office door opened, and Detective Bruce Hudson stepped inside with a furious look on his face, and he closed the office door, and he had to wait three minutes until Duncan was finished with his phone call.

"It still hasn't passed yet", Bruce said when Duncan hanged up the phone.

"And why come it hasn't?", Duncan inquired.

"I have spoken with Council woman Lauren Miller, and I have stressed the fact that she must use everything at her disposal to get it passed by the legislative, but she has met resistance from the conservatives", Bruce said.

"Were the commercials ran?", Duncan asked.

"Yeah, we ran the commercials, and we have public support behind it, and we gave them the crime statistics showing them how dangerous it is on the streets, and that we need to build more prisons to keep them safe, blah, blah, blah and they bought it", Bruce said.

"So why are the conservatives resisting it?", Duncan asked with frustration.

"You know that Governor Ann Richards is opposed to it, but we have all democrats supporting it, and a few rino's are supporting it, but the
conservatives are the problem", Bruce said knowingly.

"I want you to call Ms. Miller, and inform her that if she doesn't get this passed so more prisons can be built we will have to stop arresting people here, and i will have to cut her pay in half, because i will not loose any money on this deal", Duncan said with irritation.

"Yeah, sure i will call her, and pass on your message to her", Bruce said.

Friday June 23, 1989 10:13 p.m.
Greenville, Texas

"Hey man you need to get over here right now. We got a serious problem", T-dog said.

"Can't you take care of it?", Bruce asked.

"Bonton was caught trying to pass on some info to the feds", T-dog said.

"Dam it. Ok look, i am on my way, and i will be there in about thirty minutes", Bruce said.

Bruce hanged up the phone, and grabbed his winbreaker to put on, and as he walked past the front desk he told the desk Sgt. that he was going to talk to a snitch. He exited the front door, and headed for his car, and got in. As soon as he was on the road he hit the sirens, and made his way to the South side of town, where the narcotics house is located that T-dog was in charge of.

When Bruce was about half a mile away from the house, he cut off the sirens, and slowed down a little. He then opened the glove compartment and retrieved a gun that was not registered to him. A Smith & Western .38 caliber, that he got about five years before on a drug raid at Scott Timberlates house. He already had a silencer on it.
He tucked the gun into his waist band, and pulled the winbreaker over it, as he pulled up to T-dogs house.

He stopped and put the car into park, and opened the car door and climbed out, as he glanced around to see if he could see anyone that he knew. He didn’t see anyone that he knows. They picked a good neighborhood to set up a drug house, because most of the people that lived here were addicts, and so they were either at work earning money to purchase more narcotics, or they were inside their house getting high. He didn’t have to worry about noisy neighbors.

As he approached the door to the house he saw Danisha, T-dogs girlfriend opening the door.

“You will find him in the back bedroom”, Danisha said to him.

“Yeah alright”, Bruce responded, as he walked through the door.

He entered the bedroom, and saw William Doyle aka Bonton sitting on the bed, and T-dog was standing by him holding a .357 hand gun that was pointed at Bonton.

“What’s going on?”, Bruce inquired.

“A piece of paper fell out of his hand while he had the telephone in his hand. So I got it off the floor, and I was acting like I wouldn’t give it back to him. So he went to acting like a mark ass nigger on me. So I memorized the number, and gave to the paper to him”.

Bruce looked from T-dog to Bonton, and saw that he was crying.

“So how the feds get involved?”, he asked.

“I wouldn’t let him use the phone, and I dialed the phone number, and it was the feds in Dallas that answered”, T-dog answered.

“What’s up with that Bonton?”, Bruce inquired.

“Man you killed my brother, and he aint do anything to ya”, Bonton
said crying.

"Your brother was stealing dope & money from me, and he was warned about what the consequences would be, and he chose to do it", Bruce replied angrily.

Bruce walked over to the night table that was by the bed, and dialed a phone number from memory waiting for it to be answered.

"Hello", David Dell said on the fourth ring.

"Yeah, this is Bruce, and I am at 932 Pine street, and I have some garbage that I need for you to take care of", Bruce said.

"Alright, I will take care of it", David said as he hung up.

"I have someone coming over here, who will take care of his body. You will receive a bonus for this", Bruce said.

"Ok, Ok", T-dog responded.

"You are a Uncle Tom T-dog", Bonton said.

"I like you Bonton, but brother I like that caucasian man Benjamin Franklin even more", T-dog responded.

Bruce pulled out the .38 from his waist, and pulled back the hammer, and pointed it at Bonton's head, and pulled the trigger once.

Saturday June 24, 1989 7:32 a.m.

Greenville, Texas

Tyrone Wilson eyes flickered open, and for about two seconds he couldn't remember where he was, but then it hit him.

But it all came rushing back now. He was out on the cut selling dope, when the 5.0 swarmed upon him, and busted him for selling meth.

He sat upon the mattress as he yawned, and looked around the jail cell.

"Man, I sure hope that I can get a small sentence on this charge, because
this is my second charge", he said aloud to himself.

His cell was buzzed open, and a 5'7" tall caucasian man with short blond hair, and hazel eyes with a mustache, and who was wearing a business suit, and a pair of lizard skin cowboy boots on step inside his cell.

"This must be my lawyer, but he sure was given my case pretty fast, and on a weekend. Who says that justice is slow", Tyrone thought to himself.

"Hi there, my name is Mickey Money, and I see that you was arrested for possession and distributing & selling methamphetamines", Mickey pointed out the obvious.

"Yeah I was", Tyrone responded.

"Alright here is the situation. If you will sell for me, then I will have all criminal charges against you dismissed. Do you accept my offer?", Mickey asked upon giving a good offer.

Bruce had called Mickey last night, informing him of what happened with the dumb nigger William Doyle. And then he told him about the arrest of Tyrone Wilson, whom he was now trying to recruit to replace Doyle.

Tyrone looked at him thinking that this was a big cop joke.

"You mean that I will be selling drugs for you?", Tyrone inquired disbelievingly.

"That's right. I have a house that I will put you in, and I will provide you with the meth, which of course is counted. So the money that you give me must be equal to the amount of meth you get, and of course you will receive a percentage from the sales", Mickey said quite logically.

"Yeah sure, I will sell it for you. I have no problem with that", Tyrone said thinking that this has to be a prank.

Saturday June 24, 1989 9:00 a.m.
Heaven

"What do you think about the lad in Commerce, Texas?", Yahweh asked.

"I believe that he has a strong potential, and he has good genes, but he is young and immature, and he is allowing the things of the world to distract him. We have his mother, Maryann, Caroline, Jesse & Janice praying for him, but he is allowing the things of the world to distract him", the Holy spirit said sadly.

"His mother's prayers have come before me as a memorable", Yahweh said. He then outlined his plan to the Holy spirit.

He looked over at his son Yahshua, who nodded his head in agreement with it.

"I will allow the lad to go behind enemy lines, to learn the truth", Yahweh said.

FACILITY: Strategic War Room

SUBJECT: Infiltrating Enemy Territory

LOCATION: Satan's Seat Pergamos

Saturday June 24, 1989 8:38 p.m.

The last of the demon commanders entered the room, and took a seat, and began organizing their field reports.

"The purpose of this meeting is for me to get updates, and to implement new techniques that all of you will strive to enact in your assigned areas", Satan said to them.

Each commander was looking at his Lord with an aura of confidence on their sinister faces. They have been doing this for thousands of years.

Infiltrating the enemies territory and destroying their virtues from within. Humans are really naive.

"Commander Balc give me your report", the fallen one said.

"Yes my Lorrrrd", Satan enjoyed how Commander Balc will say, "Lorrrrd" in
his sincere sardonic way. He thought it was hilarious how the suppose to be real christians call the creator 'Lord', and actually believe that it is his name. When in all actuality, it was another name for Satan that comes from Baal Gad i.e. Lord God. It was a grand act when in the second century he got the Israelite Priest to change Yahweh's name to Lord God. Ha, ha, ha.

"We have gotten five prosecutor's and twelve judges elected that will move forward with our plans in the judicial system. But there is a new development that has taken place that, I believe is of grave concern", he said with a frown on his face.

"What could that possibly be?", Satan asked with annoyance.

"You already know that we have a strong hold in Greenville & Commerce, and I told you about the young man that arrived nine days ago, and he has two angels protecting him, and--",

"So, that is of no concern for me", Satan said with arrogance as he interrupted him.

"I realize that this is normal actions for most angels. But added to this, what has caused me concern is the fact that Yahweh, Yahshua and the Holy Spirit had a meeting this morning. And then the Holy spirit left with haste, and has been observing this young man, in a way that they showed on a chosen one in ancient times", Balc said with concern looking a little scared. This statement caused a murmur among the Mooncalf demons.

"I have invested a lot of time into this county, and I will not loose it to a bunch of Yahshua freaks", Satan said with hatred.

All the demons chuckled at this derogative name for christians.

"Is F. Duncan Thomas still the D.A. in Hunt county", Satan inquired.

"Yes my Lord", Balc said.

Satan looked over to his left at the table with a map on it, and waved his
his hand at some one, indicating for them to come over to him.

"Yes my Lord", was the response upon the demon arriving.

"I want you to go to Hunt county with Balc, and have this new threat to be incarcerated for a very long time", Satan said.

"Yes my Lord", responded Shadow Vapor.
III

CONSPIRACY

Saturday June 24, 1989 11:30 p.m.

Commerce, Texas

If two or more persons conspire to injure, oppress, threaten or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the constitution or laws of the UNITED STATES or because of his having so exercised the same; or...they shall be fined not more than $10,000 or imprisoned not more than ten years or both.

Chapter Three

All cities that he had lived in always had something interesting going on that would drive away the boring shadow that will hover over you. But John found Commerce to be the most Boorriinng town that he had ever been exposed to. There was no skating ring, no video game room, and he hadn’t seen a single pool table anywhere.

Though there might be one at the Little Bit Country bar, but he wouldn’t find out since he had no plans to go in there. He was on parole, and John had learned while he was incarcerated from other men who have much more experience than him in barology, is that bar’s are a magnet for trouble.

And even though John was still immature, and that he was still experiencing problems with his adhesive/kender fingers, he was able though to perceive that the bar odds were not in his favor, and so he would avoid the bar’s.

So now John passed the time by walking around at night time, because it was way to hot to walk around during the day. And now he was walking around with Thomas Sutton whom he had met about six days earlier. He had been out walking around, and returned home, and saw a guy talking with his sister, and she had introduced him to Thomas.

He had turned in a job application to Sonic yesterday, and so far he hadn’t received a phone call back yet. So because he is an ex-convict it is possible that they wouldn’t hire him.

So now him and Thomas were standing out side the Little Bit Country bar, doing nothing except standing there looking like two professional bored young men, and listening to Guns & Roses on Thomas radio.

"What time is it?", John asked him. His watch was currently in his pocket, because the arm band had broken.
"It is 11:30", he answered after glancing at his watch.

"There is nothing happening here, so let's go to Walmart, and see if those chic's will show up that I met last week", John suggested.

"Alright" was the response.

So John and Thomas took off walking to head in the direction that would take them in the route to the Walmart complex. With the town being a small town, you generally walked the same route every time you went some where, and here he was walking this one again that had become very familiar to him. And that was getting to be boring. Walking the same route over, and over again.

John was wondering to himself did Adam get bored in the garden of Eden before Yahweh made him a help meet? Did he walk the same routes over and over again, he wondered.

But since Adam was immortal, then was it possible that if he was bored, that he wouldn't even know it if he was? Another question that a mortal man has come up with, as he ponders the different aspects of life that affects him.

"Hey, I need to stop at my house for a second", Thomas said.

"Sure no problem" was the response.

They arrived at the house Thomas was residing in.

"You can wait here, I will only be in there for a few seconds“, Thomas said. He really didn't want John in there in case he had to slap Kathy.

"Well, alright", he answered.

Thomas went into the house, and John just stood there looking at the trees, and the neighbors house.

He waited for about fifteen minutes, and decided that he would go ahead and proceed to the Walmart parking lot. He figured that Thomas was busy arguing with Kathy, and or hitting on her.
That was something that John didn't understand about men. Is that they feel like they are born with the right to hit on their wife or girlfriend, and John had met several young men that felt that way about their girlfriend. John never had a thought or desire to ever hit any of his girlfriends. Even in Fort Worth when his girlfriend Kathy had bitten his tongue while they were kissing, which caused unpleasant pain. It did cause John to get mad, but he didn't feel as though he had a right to slap or hit Kathy for her weird actions.

John's brother Billy was the same way as him. And when they were lads they made a promise to each other, to not become like their dad Larry who could be a cruel person at times.

As John walked past the Sonic, and as he was walking across the grass on the road side here on Washington street, he stumbled on a piece of rock.

"Your drunk man, I can tell", an unknown voice said to him.

John looked in the direction of the voice, and across the street he saw two college men walking with a young lady, who was probably also attending the college here in Commerce. He knew they did because of their T-shirts that they had on.

"No, just being a little clumsy", was his response.

The response appeared to be good enough for the young man, because he turned his head back to the direction that he was walking in, and said nothing else.

So John arrived at the Walmart parking lot, and he was scanning the parking lot looking for their vehicle, and he didn't see them anywhere, so he decided to wait.

"Where did you put my pocket knife at?", Thomas asked angrily.
"I haven’t touched any of your knives", Kathy responded with a tremor in her voice.

Thomas spun around, and struck Kathy on the face with the back of his hand. She fell onto the bed, and buried her face into the mattress, and started crying.

He walked back over to the dresser, and opened a drawer that he would never put his knife in. But he looked any way. He moved around some clothes, and he saw his knife, and he grabbed it. She put it there, he thought to himself.

This really put him in a foul mood, and he decided right then that he wanted to get high and party, which was something that John wasn’t interested in doing. So he was through with John for tonight, and he would go to the Little Bit Country bar, and find out where the party is are being held at.

His made his way back in the opposite direction that John was going, and because he knew Kim, he would ask her. He got to the back of the bar, and knocked on the door.

Kim came over to the door, and she yanked it open to see Thomas.

"Hey Kim", Thomas said to her.

"How can i help you", she inquired standing there with a trash bag of empty beer bottles in her hand.

"Where are the party is being held at tonight?", he asked.

"Um, i am not sure. But i will go get Vance, and he can tell you", she responded.

"Oh, alright", was the response.

Thomas saw Kim turn around, and start walking, and then she made a right turn, and then he couldn’t see her any more.

He stood there waiting for about a minute it seemed to him, when he saw a
caucasian man walking towards him with collar length hair that is black, with a mustache, and he was wearing a George Strait T-shirt & blue jeans, along with cowboy boots on.

"I was told that there is a party at 1201 River street, and it's a big white and blue house", Vance said to him upon arriving at the door.

"Ok, thanks", Thomas said.

So Thomas turned around, and started walking towards the square, as he was trying to figure out where River street was located at, because he had never heard of that street.

He got to the corner of the building, and walked around it, and he saw a caucasian man with collar length, blondish brown hair that is curly on top.

And he was wearing some Wrangler jeans, and a Willie Nelson T-shirt, along with some rattle snake cowboy boots on.

"Hey man, do you know where River street is at?", Thomas asked as he walked up to the man.

"No man, i have no idea where that street is at", David answered as he was checking out Thomas.

"I just spoke with Vance who works at this bar, and he said that there is a party on River street", Thomas said to him.

"Do you like to party man", Thomas inquired.

"Yeah i like to party, but i just moved to this town a few days ago, so i don't know where that street is", he responded.

"Hey look. There is a woman over there in that car. So lets go ask her and see if she knows where the street is", David suggested.

Thomas looked in the direction that David was looking, and he saw a Maroon car parked at the curb by the Little Bit Country bar.
"Alright. Lets see if she knows", Thomas said.

So they started walking towards the car, and as they made their way to the vehicle, they saw the woman open the drivers side door, and she vomited onto the ground.

They got to where she was at, and she still had the car door opened as if she was planning on decorating the pavement with more vomit.

"Are you alright?", Thomas asked her.

"Yes, i am alright", Susan answered.

"Do you happen to know where River street is located at?", Thomas asked her. Susan looked in his direction, and she was about to answer him, when all of a sudden she vomited again.

Thomas yelped as he jumped back to avoid the stomach contents coming out.

"Sorry", she said.

"Um, i am not really sure where it is at. But i do believe that it is over by Stell street", she responded.

"Well look. They are having a party over there, and would you be interested in going to it?", Thomas asked her.

"Yes i would like to go, but i am unable to drive, because i am a little drunk", she said.

"If you don't mind, i can drive us over there to the party, and then we can have some real fun", David said with a smile on his face.

Susan looked at him, and thought that he was cute. And she was mad at her boyfriend Michael, so now she could get her revenge.

"That sounds good to me. Lets go and party";, Susan said.

As David started walking to the drivers side door, Susan scooted over to the passenger side seat. Thomas walked up behind David and said,
"Raise the seat, so that I can get in the back", he said to David. So David tilted the seat forward, and Thomas climbed into the back seat holding his radio in his right hand.

Once Thomas had made clearance, David put the seat back into place, and got inside the vehicle, and closed the door, and then reached for the ignition, and turned the key, and the engine came to life. As he did he saw that the woman had her purse by her side on the seat. He was a little low on cash, and he wondered if he could get a loan from her.

He looked at her out of the corner of his eye, and he saw that she had her head resting against the seat with her eyes closed.

So he reached his hand into her purse, and was trying to locate her pocket book.

"Hey what are you doing?", Susan asked.

"I need a cigarette, and I was just seeing if you had one", David said innocently.

He drove to the front of the Little Bit Country Bar and stopped, as he looked to his right at the Lone Star Bar. He really liked that bar.

"I don't smoke cigarettes", Susan said.

"Do you smoke weed?", David asked. He didn't smoke cigarettes either.

"Yes", was her response.

"What direction do we go in?", he asked.

"Make a left here, and drive towards the First National Bank", she answered.

So that is what he did, and as he was heading down Washington street, he saw that she had her eyes closed again. So he reached for her purse again, and he had his hand in her purse. He saw her hand move, so he with drew his hand
real quick, and reached up for the radio dial.

"What are you doing?", she asked.

"What are you talking about?", he said feigning innocence.

"You jerked your hand back real fast", she stated.

"I was going to turn on the radio, but then i changed my mind", he said acting with indifference.

"You're lieing", she accused. "You were reaching for my purse again ", she said with anger in her voice.

David pulled the car into the parking lot of the First National Bank, and stopped the vehicle. Susan rolled down her window, as he pulled in. He needed to defuse the situation, because the lady was getting mad at him.

"Look you son of a pig, you need to keep your filthy hands off my purse", she yelled.

Her tone made him mad. "Hey, take it easy, and i promise that i will not touch your purse again. It probably has a dirty tampon in it any way", David answered with a smile.

David could tell that she was really mad now. She grabbed the keys, and tossed them out the car window.

"Hey man, will you get the car keys for me, while i talk to her?", he asked Thomas.

"Sure no problem, i will get them", he said as David opened the drivers side door, and stepped out, so that Thomas could get the keys.

"Look, i want to apologize for what i said to you, it was wrong of me. I just want to go and party, and have fun", David said to her with his sad puppy eye look.

"Alright, i am ok with that, and i want to party also", she said.
Thomas arrived just then with the keys, and handed them to David. "Hey is everything cool, because I don't need this", he said.

"Yeah, everything is alright", he answered.

Thomas got back into the car, and David got in, and shut the door.

"What is ya'lls name?", she asked.

"My name is David", David said.

"My name is Thomas", Thomas answered.

"So where is River street at?", David asked as he started up the car.

"Drive that way", she pointed with her finger. "And go up two streets, and make a left. Then drive down three more streets, and make a right, and you are on River street", she said knowingly.

So David went in those precise directions, but instead of arriving at River street, they arrived at Weaver street.

"Well it appears my fellow party friends, that there won't be a party for us tonight", David said with annoyance.

"Why does this have to happen to me?", David asked himself.

"Hey man, just let me out here, and I will walk home", Thomas said.

David put the car into park, and he opened his door, and then stepped out so that Thomas could get out. And he got out, and took off walking.

David got back in and closed the door, and then reached into his left sock and pulled out a bag.

"Look at what I got here", he said holding the bag to Susan.

"What is it?", she inquired.

"It is weed, and it is hash & skunk weed mixed together", he said.

And she smiled at him.

So David got a Zig Zag rolling paper, and rolled a nice thick joint, and fired it up, and took two hits off it, and passed it to Susan.
She took two hits, and passed it back to him. In short order they had finished smoking it, and he ate the roach.

"Look i just met that guy tonight, and have never met him before, and he is the one that told me about this suppose to be party, so it's not my fault that it turned out to be bogues, all right?", he asked her.

"Yeah sure, i have no problem with that", she responded.

"I am new to this town, but i know for sure that my friend Toto has a party going on tonight, but he lives in Sulphur Springs, so if you want we can drive out there?", he asked her.

"Yeah that sounds good to me. Fire up another joint", she said.

"Sure", he said.

So David fired up another joint after rolling it up, and he took a hit off it, and passed it to her. After they had finished smoking the joint, David leaned over and kissed her. And she responded with passion to his kiss.

"Now lets go to that party", he said.

So David turned the ignition, and he did recognize this area, and so he knew how to get to the highway.

So he got on Highway 11 heading east towards Hopkins county, and when he saw the turn off onto the dirt road he took it, and when he got to Toto's house all the lights were out.

"It appears that no one is home", he said as he noticed that Toto's truck was missing.

He put the car in reverse and backed up out of Toto's drive way, and then he pulled into a field across from his house, and decided to smoke another joint. And they did, and the weed had caused the sexual desires to kick in, and they reacted to those desires, and they disrobed, and had sex
right there in the car. So they drove around some more, and had sex two more times. After they did the hanky panky, they were sitting there in the car parked beside the highway by a field.

She was looking out the window, and she had her purse in the floor board of the passenger seat. And David had his hand in it.

"Hey you slime ball", she yelled as she grabbed her purse.

"You keep your filthy hands off my purse", she screamed.

"Hey baby, i was just looking for some matches", David said as he waved a joint at her, and put his hand over her mouth to silence it.

But she could see that he was trying to be condescending, so she got mad and bit down on his finger.

"Ouch, you little stinking wench", he said as he jerked back his hand. He then reached forward, and slapped her on the face with his other hand.

"Ahh you piece of trash, how dare you hit me", she said as she was rubbing her cheek.

David was tired of her, so he opened the door, and he pushed her out of the car. "Get out of the car now you little wench. Don't report this to the police, because i will find out if you do, and then i will find you, and i will kill you", David said with confidence.

So Susan was confused about what his intentions were, so she got out of the car. So the dirt bag starts up the car, and puts it into gear, and he drives off with her car, while she looked disbelievingly at him.

So the car took off with him driving it away, and she waited about five minutes thinking that he would come back.

When it didn't appear that he would, she took off walking furiously, and was determined to make him pay severally for this.
As she was walking down the highway she was looking for a house that she could go to. And every time she saw a vehicle coming, she would hide herself, because she figured that it was David coming back to make it up to her.

After walking for about ten minutes she saw a house up ahead, and the lights were on. So she walked to the house, and walked up to the door, and knocked on it.

"Who's there?", a male elderly voice asked.

"My name is Susan, and I need for you to call the police for me. My car was stolen, and I was raped", Susan answered.

The door was unlocked and opened, and Susan saw an elderly man standing there with a pump shot gun in his hand.

"All right nam, I will call the police for you. Why don't you come on inside", Mr. Stuart said.

Sunday June 25, 1989 6:00 a.m.

Commerce, Texas

Ring, ring, ring said loudly the phone on the night table by his bed. Bruce was awaken from his sleep.

"Hello", he said into the receiver that he was holding to his face.

"We have a caucasian woman who has made a police report that her car was stolen, and that she was kidnapped, and was sexually assaulted", the officer said.

Bruce recognized Tony's voice.

"Alright i will come down there, and I will take her to the hospital to have a rap kit done on her", Bruce said.

"Ok", Tony answered, and hung up the phone.

As Bruce got dressed he was feeling better now, because the bill was passed
to get the new prisons built, and the investment that they would make off the bond was well worth the effort.

The plan was simple, but brilliant. Him, Duncan and Mickey and two other associates had set up a dummy corporation, and then had used the money from there narcotics sales to pay for the bond, that would build the new money makers i.e. prisons. So they would get rid of their dirty money, and then would get back clean money, along with an investment to boot.

And they would be able to fill up the prisons with no problem. With Duncan and the other D.A.'s across Texas who were members of P.E.C. which stands for 'Profit Earning Corporation' it would be simple to do.

... The whole concept was the brain child of Duncan which was set up to launder his dirty money. He then set out to recruit other D.A.'s in Texas who wanted to get rich off justice. So when ever they needed to achieve a certain 'quota' of convictions, then Duncan would notify each one.

And of course their disguise was perfect, due to the Joe Blow criminals across Texas who were unintentionally contributing to Duncan's cause, by committing the crimes that they did commit. And then by virtue of their official job status they were held as sacred by the citizens of Hunt county, who are naive, and actually think that when a man dons a police uniform or becomes a D.A. or a judge that they are automatically bestowed also with morals and virtues

Ask any citizen in Texas. "Do you think that a police officer would intentionally lie?", and the answer will be a stout, "No sir, they will not".

He got into his squad car, and made it to the station in fifteen minutes. He got out of his car, and entered into the Commerce Police Department.

"Where is she at Tony?", Bruce asked.
"She is in room three", he said.

Bruce opened the door, and a woman who was sitting on a couch looked in his direction upon him opening the door.

"Hi there my name is Detective Bruce Hudson, and the first thing that i want to do is to take you to the hospital, so that a rap kit can be done on you. Are you ready to do this?", he asked.

"Yes i am", she answered.

They left out of the police station, and they got into his car.

"What is your name?", he asked.

"Susan Leigh Shuttleworth", she responded.

"Would you please explain to me what happened to you?", Bruce inquired as he started the engine and put the gear into reverse, and stepped on the gas.

"I was sitting in my car waiting for my boyfriend to get off work, when two men jumped in my car, and drove off with me. The driver stopped in the Bank parking lot, and i grabbed the keys, and through them out the window, and the driver had the other guy get them. And then we drove around for a while, and the other guy got out of the car. Then the driver took off, and raped me three different times", she replied.

"Do you know who the men are?", he asked.

"No i don't. I never saw them before", she said.

Interesting Bruce thought to himself, as he just remembered where he knows Susan from.

It was in April of 1987, and a young collage student name Tonya had told him what happened.

Tonya was at a party, and three collage guys took Susan to a bed room, and all three of them had sex with her at the same time. And then the next day
Susan went around the neighborhood saying that the men had raped her. So Melinda who was the girlfriend of Ted, who was one of the three young men involved, they both went to Susan and told her that she needs to stop lying. So Susan never filed a complaint on them, so they were never arrested for the accusation.

So he wondered if she was screaming wolf again? Well it didn't matter to him. Maybe Duncan wants to get a sexual assault conviction.

Bruce was standing outside the hospital room where Susan was being examined by a nurse & Doctor who were doing a rap kit on her. So he was trying very hard to look like a cop.

Bruce did enjoy the fear and intimidation that he invoked into people, who were guilty of doing something wrong. He saw that an elderly lady was being pushed down the hall in a wheelchair by a nurse.

And as he looked in the lady's eyes he didn't see any fear there. But instead it looked as if her eyes were saying to him, "Hey cop i am 92 years old, and i am dieing of breast cancer, so you just go ahead and arrest me you filthy pig".

Bruce just smiled at her, and said in response in his mind, "Yes you were able to escape my clutches you old lady".

After about forty minutes of them arriving here, Dr. Ford came out, and walked over to Bruce.

"What's up Doc", Bruce said mimicking Bugs Bunny voice.

Dr. Ford looked at him and was smiling at the antic.

"My initial examination of the women leads me to believe that she wasn't raped", he said.

"Oh yeah, why is that?", Bruce asked.
"There is no indication of forced entry, and there is no tearing or 
bruising of any kind in the vaginal walls", he responded.

A beeper went off which belonged to the Doctor, and he looked down at 
it.

"I have to go. Do you have any more questions for me?", he inquired.

"No i don't have any more questions for you, but if the D.A.'s office 
does they will call you", Bruce replied.

"Ok sure", he said and took off walking.

Sunday June 25, 1989 8:14 a.m.

Commerce, Texas

"What are you doing?", Jason asked Brian.

"We don't know who the suspect is on this charge involving Susan, but i 
think i might be able to find out who may have been involved", he said.

"How is that?", Jason asked.

"This incident has a familiarity to it of a case i was investigating 
before, but i can't remember the suspects name involved in it", he said.

Brian sat at the computer typing away trying to locate the person of 
interest, which took him about four minutes to find.

"Here it is, i know i would find you", Brian said.

Knock, knock, knock was the sound at the house here in Elk street.

"Who is there?", Jesse asked.

"I am Brian Walter of the Commerce Police Department with Officer Jason 
White, will you open the door please", Brian said.

Jesse opened the front door to see two police officers standing there.

"How can i help you officer?", Jesse inquired.

"Is Thomas Sutton here?", Brian asked.
"Yes he is here", he answered.

"We would like to ask him a few questions about something", Brian stated.

"Sure no problem. Come on inside the house, and wait here, and I will go and get him. Are you here to question him about beating on his wife?", Jesse asked.

"No we are not", Jason said before Brian could answer.

"Well I will go get him for you", Jesse said.

The police waited for about a minute, and Brian saw Thomas walking towards him.

"You want to talk to me?", Thomas asked.

"Yes I do. Do you know anything about a woman's car being stolen, and her being kidnapped last night?", Brian asked. He didn't mention anything about the rape, because Bruce said that she wasn't raped according to Dr. Ford.

"No, I don't know anything about anything like that", he answered.

"You know of course that this case here has similarities to it of that charge you faced in juvenile court?", Brian asked.

"No I don't", he replied.

"Is there anything that you want to tell us?", Brian asked.

"No there isn't", he answered.

Sunday June 25, 1989 12:52 p.m.

Commerce, Texas

"John wake up, Thomas wants to talk to you", Maryann said as she shaking him awake, and pointing at the back door.

So he got out of bed, and put on his tennis shoes, and was recalling a dream he was having, where some evil men had a snipers rifle, and they were plotting to assassinate a stout representative of justice here in America;
and he was a messenger who was trying to warn the person in time, but he was running into obstacles, and then he was woke up by Maryann.

John opened the door, and went outside closing the door.

"What's going on?", John asked.

"The police was at my house this morning, asking me about a woman's car being stolen, and her being kidnapped", Thomas said.

John was wondering right then if he was making this whole story up.

"Why would they investigate you?", John inquired.

"I don't know why", he answered.

"Where did you go last night?", John asked.

"I went back downtown", he replied.

"Where did you go?", Thomas asked.

"I went to Walmart, but those girls never showed up. So i went to Joey's apartment, but he was asleep. I then went to Melissa's apartment, but she was asleep also, so then i went home to go to sleep, so that i could get up for church in the morning", he answered.

Monday June 25, 1989 9:10 a.m.

Greenville, Texas

As history clearly demonstrates to us, we learn how that absolute power can corrupt a person, and can even corrupt a man of high morals. We can see this clearly in the life of the famous Israelite leader King David.

King David was the apple of Yahweh's eye, and King David had several wives, and he was allowed under Hebrew law to do so, Exodus 21:10.

And we also see that he had ten concubines which also under Hebrew law was lawful for him to do, Exodus 21:7-9. These two laws were approved by
Yahweh. So King David had plenty of women to meet his sexual desires. But then he sees Bathsheba taking a bath, and she was very beautiful, and he wanted her, even though someone said to him that she was the wife of Uriah.

So one then perceives that because of his power that he has as King, that he feels that he is entitled to the right to upsurp the authority of Yahweh, and have a carnal relationship with a married woman which is a direct violation of the tenth commandment.

So then David gets Bathsheba pregnant, and to cover this up, and avoid being caught, he has her husband Uriah murdered.

So what this here shows us is that his power had clearly robbed him of clear thinking, and it had blurred the moral values that he was to keep as King of the people, and as Yahweh's Ambassador here on this earth.

So it is amazing to see how in America that the people seem to think that Judges, D.A.'s, and police officers are immune to their power that they possess, and that it will not corrupt them.

But another factor is that a lot of judges & D.A.'s that the people vote into office are not christians who are spiritually reborn. If a person is not spiritually reborn, then they will be used by Satan to accomplish his objectives.

When the thirteen colonies were first established here in America, a man could not hold office if he was not a christian.

This is a standard that the American people must restore again, and they must not only vote for christian men and women, but these men and women must be legitimate christians.

John Adams said that our constitution was made for only a moral and religious people. It is completely incoherent to any other. If you have a man who is a D.A. and he is not a christian, then he sees nothing wrong
with intentionally convicting an innocent person. Because a brief study of history in Britain from 1000 A.D. to 1776 A.D. clearly shows to us what happens when a person who does not honor Yahweh gets into power. And so the drafters of the Declaration of Independance and the Constitution and the Bill of rights were very familiar how power can corrupt a person, and so they drafted these documents with specific intent to protect the people from a corrupt government and or a corrupt government official.

Bruce opened the office door, and stepped inside, and closed the door. He saw that Duncan was on the phone.

"What's going on?", Duncan asked, as he placed the phone into the receiver.

"I have an unauthorized use of a motor vehicle, aggravated kidnapping, and aggravated sexual assault case for you, but who ever the suspect is, I believe that he is innocent, but we could always find us a scape goat to get a conviction on", Bruce replied.

"What makes you think that the suspect is innocent?", he inquired.

"I took a written complaint from her, and by her own admission, she fails to demonstrate how she was forced against her will to have sex. No weapon was used on her, the suspect never threatened her, and he didn't hit her, or shove her, or use any type of violence against her. And I took her to the hospital to have a rape kit done on her, and Dr. Ford said his examination of her showed no signs of rape", Bruce said.

"So we don't know who the suspect is?", Duncan inquired.

"No I don't. And she doesn't know who the guy is, but we got a description of him. Um, also it is Ms. Shuttleworth. Does that ring a bell with you?", Bruce asked.

"No it doesn't", he answered.
"Remember the three collage guys in 87, that Susan said raped her?", he asked.

"Oh yeah i remember that now. Well if you can't find the suspect involved, then find someone we can put a conviction on. A conviction on a case like this will make us look good to the gullible citizens", he said knowingly.

"Sure, no problem", he replied.

Tuesday June 27, 1989 11:16 p.m.

Commerce, Texas

When John was eight years old, and he was walking to William Anderson Elementary School in Dallas, Texas destiny was about to intervene in his young life to cause him to go down a different fork of the destiny road that he was travelling.

"Hey, what is your name?", the kid asked as John was walking across the school parking lot.

"My name is John", was his answer.

"My name is Joey, and this is David", Joey provided.

"Do you want to play hooky with us?", Joey asked.

"No i don't", was John's response.

So for the next fifteen minutes Joey & David verbally cliqued on John with grim determination to get him to play hooky with them, by expounding the glories of it, and the benefits, and the rewards of it. So eventually John caved in and agreed. So not only did they show him how to play hooky, but they also introduced him to how one could get a five finger discount for items that one desires, and that is when John was infected with the Kender syndrome, and the only way to cure it was by stealing something.
And even though his desire was strong to do what is right, and to not return to prison, the theft force was stronger. Later on John would learn that it was his inherited sin nature that he had acquire that was the cause of his theft desire, and that the only cure for it is the blood of Yahshua. So the theft sin nature had taken over again.

"What are you doing?", Thomas asked.

"I am looking for anything of value", John replied, as he opened the car door and got inside. So he went to searching the vehicle looking for something of value to take.

"What did you find?", he asked.

"Nothing except for some keys", John said as he placed the keys in his pocket. He took the keys to satisfy and pacify the theft sin nature in him.

And the sin was happy.

Wednesday June 28, 1989 10:43 p.m.

Commerce, Texas

He had filled out now five job applications, and so far no response from any of the businesses. So it must be destiny that was prohibiting me from getting a job. Some people believe that they can carve out their own destiny, but how can you do that when you are a game piece on the chess board of life going where destiny wants you to go.

Evidence of this is the very fact that it was destiny that allowed you to be formed in your mother’s womb, and to be then born. Right? Right.

So destiny was keeping John from getting a job. So John found himself walking down the street with Thomas, and at a constant battle with the enemy of boredom.
Does such a word exist? If not it should exist. But I do have a master degree in boredomology, and maybe I should put that on my job application and then I will immediately get hired.

"Hey come here", he heard a voice say. So him and Thomas turned to see if the voice was speaking to them.

"I need to see your identity, and your social security card", said a police officer to them.

So John took out his wallet, and got out his I.D. card from it, along with his S.S. card, and handed it to the officer.

"This makes the third time that I have been stopped by a police officer, and why is that?", John asked the officer.

"We had someone break into the drug store", the officer said.

"Great", John thought to himself. "I just got out of prison for Burglary of a building, and they probably think that I am the person who did it. Will they arrest me for it?", he asked himself. The officer wrote down his information.

"Here you go", he said as he handed the items back to John. He then got Thomas's information, and handed back to him his I.D.

"You are free to go", the officer said.

"So they are not arresting me", John thought to himself. Well since this was the third time that he had been stopped by police officers, and they are not arresting him, then they know that he did not commit the crime.
IV

JUSTICE IS DEAD

Friday June 30, 1989 4:15 p.m.

Commerce, Texas

If ever in time the guardians of justice become corrupt, then evil will annihilate all virtues in a judicial environment.

An excerpt from
Diary of Vile Truths
by Sir Gammad
"We are going to the movie theater tonight. Do you want to go?",

Thomas asked.

"I don't have any money?", John responded.

"No problem. Jeanne will pay for everyone", Thomas said.

"Yeah I want to go. What movie are we going to watch?", John inquired.

"Pink Cadillac with Clint Eastwood", he answered.

"And you should know, that Heather likes you alot", Thomas said.

"Oh yeah", John responded.

John had been coming over to Thomas' house for a while now. Actually the house belong to Jesse, and Heather is his daughter. And Thomas wife Kathy is Jesse's niece, and so he gave Thomas and Kathy a room to live in, that has a bathroom, and it's own kitchen. And Heather likes to draw just like John does, and they had that in common.

"And she wants you to sit beside her at the movie tonight", he informed John.

"Oh yeah", he said. "How old is she?", he inquired.

"She is thirteen years old", he said.

"What", John thought to himself. "I thought she was at least seventeen years old. There is no way that I am getting involved with a girl that young", John thought to himself.

"It's time to go", Jeanne said as she came out of the front door with Heather walking behind her.

So they took off walking heading for the movies, which was over by the Walmart store, and they arrived in short order, and Jeanne paid for everyones ticket.

So they walked into the auditorium, and John saw Heather was
preserving a seat for him to sit in, and that she wanted him to have the outer to the row, the very first seat.

John stopped there, as he was trying to figure out how to handle this unique situation with charming diplomacy. And because this was uncharted water for him, his brain just shut down and he couldn’t think of anything.

So Thomas noticed that John was hesitating to go in.

"Do you want to go and watch Road House?", Thomas asked.

So now he had a solution to solve it. 'Run'.

'Yes i do', John said.

So John and Thomas turned around, and went to the auditorium that was showing the movie Road House.

When they left the movie theater, John could tell that Heather was furious at him. Her body language said it all.

John might be a dumb adhesive/Kender thief, but he felt that it was wrong for an eighteen year old boy to be dating a thirteen year old girl.

Saturday July 1, 1989 12:31 p.m.

Commerce, Texas

"I wonder if i was to put Professional walker on my next job application, would it increase my chances of being hired?", John was thinking to himself as he and Thomas was walking down the street.

Ahead of them a truck pulled up, and then it stopped, and a black man jumped out of the truck, and walked a few feet in their direction, and then he stopped.

"I heard that ya'll was saying some things about niggers", the man said.

"Well, someone lied to you, because we haven’t done anything" Thomas responded.
John looked over at Thomas, and saw him pulling out his lock blade knife from his back pocket, and open it up.

"His name is Tyrone Smith, and he is a member of the Ford Club. They all drive Ford trucks, and I heard that he has a gun in his truck", Thomas said.

John turned his head back to look at the man, and he figured that if he went for his gun, that him and Thomas could get to him before he could fire his gun. He was about twenty feet away from them.

But then another vehicle arrived that had about three other black men in it, and they were looking at him and Thomas.

"Great, we are numbered with no guns", John thought to himself.

"If I find out it was you, then I will be back", Tyrone said. So he got back into his truck and the thugs left.

"Do you have an extra knife at home?", John asked Thomas.

"Yes I do", he replied.

"Well, let me get a knife from you, because if he comes again looking for trouble I will need it", John said.

So Thomas gave him a twelve inch survival knife that has a compass on it.

#####

The birds were chirping outside in the warm summer air, and a wolf spider had just pounced upon a moth to make it a meal of it. And in Washington, D.C. President George Herbert Walker Bush was meeting with the members of Congress. In our universe twenty million light years away was an unknown discovered planet that has a sun like ours.

But in the life of John destiny would orchestrate another incident that wouldn't be used as evidence in his jury trial, to demonstrate the kind of
man that he is, and that he is innocent of the crime. But instead it was done so that it could be used later on down the road as another piece of evidence to prove by a preponderance of the evidence just how incredibly pathetic, incompetent, and malicious the judicial system has become. Because if they had an ounce of moral values and integrity then they would employ the simple elements of common sense, and do actual investigative work, then they would have discovered that by no stretch imagination that John was involved in any way with false accusation that was made against him.

But when destiny sees what happens it will allow another incident to transpire in order to show how the corrupt judicial individuals are, and how power will corrupt government officials.

"Kathy, I need for you to sew a button on my shirt", Thomas said.

"Alright honey, I will do it", she said.

So John saw Kathy get the shirt that Thomas showed her, and she retrieved a sewing needle and thread from a dresser drawer. And then sat on the bed and started sewing the button back on, and Thomas was in the kitchen.

"Kathy, get in here and get me some ice right now", Thomas said as he was holding the door to the kitchen opened with a glass in his hand.

"Ok I will, but I am almost finished sewing the button on", she said.

"He's already in the kitchen, so why don't he get his own ice", John thought to himself.

The door opened again about twenty seconds later, and Thomas came in the room, and walked over to Kathy, and hit her in the head with a fist, and yelled out.

"When I tell you to do something, you do it right away", and immediately Kathy burst into tears.
It really pissed John off to see Kathy being treated like that, and it reminded him of his abusive step-dad. He would like to punch Thomas in the mouth, but because him and Kathy were married he didn't think that he could. That was immature thinking on his behalf.

So instead he said to her.

"Look Kathy he is going to keep on hitting you, unless you hit him back, and once you do fight back then he will stop", but as he looked at her she gave no kind of indication that she heard him, and she had her face in the mattress and was crying.

"Stop all that noise that you are making", Thomas yelled at her, as he came back into the room.

To John's surprise, Kathy exploded from off the bed, and with both of her hands she pushed Thomas in the chest with her hands, and then Thomas flew back wards, and his feet came off the floor about two inches into the air, and he slammed into the wall by the kitchen door.

John looked at Thomas's face, and he could see that his eyes were as big as softballs, and that he was really shocked that Kathy had struck back at him. But to redeem himself he raised his hand in the air, to act like he was going to hit her again, but he didn't. But Kathy stepped back, and sat down on the bed, and started crying again, and Thomas went into the kitchen.

John just stood there looking at her, and he couldn't understand why men had to hit a woman?

John decided to go to the main living room of the house, and to see what Jeanne and Heather was up to, but he was sure that Heather didn't want to speak to him.

"Hey come here John", Jesse said.
"Where is everyone else at?", John inquired.
"Jeanne took Heather & Levi to see their grandmother", he replied. Levi was his son.
"Look i know that you are looking for a job, and i could use some help. So do you want to work for me?", he asked.
"Yeah sure. I really appreciate the offer", John said.
"That's good. I will pick you up at 7 o'clock Wednesday morning. I have a house that i have to do some work on", Jesse said.

Sunday July 2, 1989 10:15 p.m.
"Let's go to Walmart and apply for a job there tomorrow", Thomas suggested.
"I heard that they wasn't hiring any body", John responded.
"Well i don't know if that is true or not, but i need to get a job", he said.

"Sure then, let's go to Walmart and fill out a job application", John responded.

He wasn't going to tell Thomas that Jesse had given him a job, because he might get mad, and then hit on Kathy.

"We will go early in the morning. Do you want to spend the night at your house or at my house?", Thomas asked.

"Well since your house is closer to Walmart, then let's spend the night at your house", John suggested.

"Alright, my house then", he said.

"My sister is leaving Thursday to go to my brothers trial in Florida. He is being charged with murder", John said.

"Sorry to hear that", Thomas responded.

So they took off walking, and arrived at Thomas's living quarters at the
Jesse residence. No walking around tonight, because of Thomas needing a job.

So in Thomas's bed room there was only one bed, and it is a King size bed, so there would be plenty of room for all three of them.

John laid down on the bed by the wall that the bed was up against, and Kathy was going to sleep in the middle, and Thomas would sleep on the other side of Kathy. John was wearing his jeans and shirt, and he noticed that Kathy was only wearing a pair of pantys and cut low shirt, but he wasn't really concerned about it.

So he was laying there working on going to sleep, when he felt something on his leg, and opened his eye to see that Kathy's leg was on his leg. So he didn't think nothing of it. So he closed his eyes again.

So he had no concept of how much time elapsed, but then he felt something pushing into his face, and he opened his eyes, and saw two big boobs. And so he was seduced by her, and he convinced her to go in the bathroom, and Thomas was sleeping, and he committed fornication with a married woman.

So they returned to the bed, and Kathy was in need of some more sexual attention, so we went in the bathroom again.

And upon them returning to the bed again, she was wanting some more sexual attention, but by now John was way to tired, and so he went to sleep.

Wednesday July 5, 1989 6:50 a.m.

Commerce, Texas

"Wake up John, you have to go to work", Maryann said as she shook him awake.
"Thomas came over here to get his knife, because Jesse has kicked him out of the house, because he want work, and he keeps on hitting Kathy", she said.

John got out of bed, and started putting his clothes on.

"Linda will be here soon to drive me to the airport, and I will have her take a picture of us together", Maryann said.

"Alright", was his response.

Linda arrived about forty minutes later, and she took a picture of John and Maryann together. Brother and Sister standing by each other in unity of sibling love, but not knowing that the forces of evil would split them apart for over two decades.

Would a longer hug or maybe one more kiss on the face, one would wonder later, would it have made an unknown difference in their subconscious mind that would have created a stronger bond that evil could not tear apart?

John watched as they drove off, and then he waited about eight minutes, and then Jesse pulled up in his truck, and John climbed into the cab.

"We are going to replace a wood paneling on a house that was damaged by rain fall, and we will also put up some rain gutters on the house", Jesse announced.

"Alright, no problem", John said. Well destiny had finally provided him with a job, and he didn't even have to fill out a job application stating his wonderful skills that he has.

Thursday July 6, 1989 9:18 a.m.

Greenville, Texas

He seriously worried, because he didn't want to go back to prison again, and he wasn't about to go down for something that he didn't do.
Kathy had called him from Commerce, and told him that the police had a warrant out for his arrest for kidnapping.

But the problem was, is that he didn't know that guy's name, and he didn't know where he lived at, and that is assuming it is the guy that he met that night, and they were able to locate that party.

Then a brilliant idea had dawned on him.

He would point the finger at John and say that he had done it, and he would extract his revenge on John for sleeping with his wife.

So Thomas walked into the Greenville Police headquarters, after being driven to Mesquite, Texas by his dad who he was now living with, and walked up to the counter.

"Can I help you?", the police officer asked.

"I'm here to take care of business", Thomas said.

Friday July 7, 1989 12:10 p.m.

Commerce, Texas

"The suspect is a caucasian male, and he lives at this house here on Ash street", Bruce said, as he pointed at a picture of a house.

"The suspect doesn't have any weapons, and he is not considered dangerous, but I believe a show of force is appropriate", Bruce said.

"Are there any questions?", Bruce asked.

"Can we shoot him anyway?", Jason asked.

"No, we need him alive", Bruce said as he chuckled.

Friday July 7, 1989 1:16 p.m.

Commerce, Texas

"You have to call your parole officer don't you?", Jesse asked.

"Yes I do, but I will need to go home, and get the telephone number, and"
then come back to use your phone", John responded.

So John left from Jesse’s house in route to his house, and he liked the job that he had with Jesse.

They were going to renovate a house, but they was unable to do any work because the owner of the house had not had the power turned back on to the house, and so Jesse’s electrical tools were no good with no power. So they were unable to get any work done that day.

He arrived at his house, and he unlocked the door and went inside, but before he grabbed the phone number, he went into the bathroom to use it, when he heard a noise in the backyard.

"Someone is trying to burglarize the house", John thought to himself.

"Or is it that black man we had some words with?", he asked himself.

When John was walking home, he saw a police car parked on the street behind his house, but right now he never once ever thought that it could be the police, because there was no cause for them to come to his house.

He opened the back door quietly, so as not to make any noise, and placed his back against the wall of the house, and looked over at the church, but he didn’t see anything there.

He was inching his way towards the backyard, wishing that he had a weapon of some kind. He could hear someone moving around back there.

All of a sudden the gate to the fence was thrust opened, and a man jumped out.

"Freeze right there, and put your hands up", Bruce said as he pointed a .45 caliber at his face.

"Place your hands on the house, and spread your feet", Bruce said as John saw police officers with weapons coming at him from various directions.
So John did, and another officer came to him and conducted a pat search on him, so John could discern that he was being arrested.

"What am I under arrest for?", John inquired.

"For theft over twenty thousand dollars", Bruce answered without once showing him an arrest warrant for his arrest.

"What could be worth twenty thousand dollars in this town?", John asked himself. "They have to think that I am the person that broke into that drug store", John thought to himself.

John was placed into a squad car, and then he was taken to the Commerce police department and booked in, and was there for about five hours. He was then transported to the Greenville county jail, and he was booked in there as well, giving them finger prints, and a GQ photo shoot.

He was placed into a jail cell, still wondering what was it, that they were alleging he had stolen that was worth twenty thousand dollars from the drug store?

Monday July 10, 1989 8:31 a.m.

Greenville, Texas

"Who is John Banos?", Fred Eaton asked.

"That is me", John answered.

"Come with me, because Detective Hudson wants to talk to you", Fred said.

John stood up, and walked out of the holding cell that he was in, and he followed Fred to a room, where he saw the man who had arrested him.

"Have a seat right there, Detective Hudson said", as he was pointing at a chair. So John sat down.

"Why did you kidnap her?", Bruce inquired.

"Are they talking about the woman's car that I had broken into?", John
asked himself.

"I just walked past the car", John responded, because he was not going to confess about the car that he had burgalized.

But then he became confused, because he thought that he was under arrest for theft over twenty thousand dollars, but now they were asking him about someone being kidnapped.

So when John becomes confused, his brain will just shut down, and he freezes in his thinking.

Bruce asked him some more questions, but John didn't even hear them, because he was gone into a different sphere.

He was returned to the holding cell upon him not answering any more of Detective Hudson's questions.

Upon John sitting down in the holding cell once again, he was still confused about what was going on, but if John had a slight possible trust factor in cops, he might've asked some questions to help clear up some of the confusion. But John didn't trust cops at all, because of some past experiences that he had.

His first experience with a corrupt cop was in 1985 when he was at a juvenile house in Mineral Wells, Texas, and the house was ran' by a cop and his wife. He couldn't remember his name.

But the drama all got started when he was walking in a H.E.B. grocery store, and the next thing he knew he had a pack of Marlboro cigarettes sticking to his adhesive Kender fingers, and so he got caught, and he was arrested for it.

So the cop came and got him out of jail, and proceeded to launch a verbal attack on him in an attempt to pound into his head the virtues of
being honest, and working for what you want, and the way that he went on and kept railing at John, one would think that he was the poster child of the police department in representing the highest levels of virtue in the police force.

But in a few days John was discharged from the juvenile house, and he was returned to the juvenile detention center in Dallas. And John soon found out that he wasn't discharged for shoplifting.

But instead, the honest cop filed a report in which he alleges that the notorious adhesive Kender had threatened to kill him and his family by detonating a bomb inside his house.

So John was on paroles from the State School of the juvenile facility of Texas, so now because of his terrorist scheme John had to go to a hearing so as to decide, whether or not he was guilty of the five claims made against him. Now he was in fact guilty of the four claims that were made against him, but due to a lack of evidence those claims were all dismissed against him.

But in an ironic twist of events, the board members relying on perceived honest information from a very reliable source of information found John guilty of the fifth charge.

John was found guilty of making the bomb threat. And what had convinced them that he was in fact guilty of the charge?

The sole evidence, and only evidence that they had, was that a police officer had said that he had done it.

John was shocked. He had never once in his life had ever threatened to bomb anyone, but because a Pharisee and dishonest scumbag wearing a metal badge said that John did something, his word was deemed more holy than the
Pope in Rome, and John was found guilty. It infuriates John just thinking about it.

Then in 1986, John's brother Charles was talking to some prostitutes in downtown Dallas, when a cop informed Charles that he had an arrest warrant out for him for Burglary of a Building. And Charles informed the cop that he had been in Atlanta, Georgia when the burglary took place.

So the scumbag cop didn't like hearing the truth, so he grabbed Charles by his arm, and Charles jerked away from him. But then he decided to be taken to jail.

So the police was able to validate his alibi, because Charles was working at a hotel in Georgia at the time of the burglary.

So because the corrupt cops could not charge him with burglary, they instead charged him with assaulting a police officer.

That's right everyone who is reading my expose right now. The police alleged that when Charles jerked away from the cop, that the cop was assaulted. Charles was given two years in prison for it.

So John learned at an early age that the police are corrupt, but even more than that, he was about to learn that some cops are agents of Satan.

Friday July 14, 1989 2:12 p.m.

Greenville, Texas

"Agent Smith is here to see you", his secretary said into the phone.

"Alright, send him in", Duncan said to her, and then placed the phone back into the receiver.

The door to his office opened up, and Agent Robert Smith stepped inside and closed the door.

"Were you able to take care of it?", Duncan asked.
"I had to destroy a few documents, but I am confident that you are covered, and you want have to worry about anyone at our office looking in your direction", Robert responded.

Duncan smiled at him, and opened a drawer on his desk, and he reached in with his hand, and pulled out a white envelope, and gave it to Robert.

"Ten thousand?", Robert inquired.

"Exactly what you asked for", Duncan replied.

Robert looked in the envelope, and saw what looked like enough one hundred dollar bills to add up to ten thousand dollars.

"I will notify you if anything comes up", Robert said as he placed the envelope inside his suit pocket.

Duncan watched as Robert turned around, and left out of his office. He was glad that he was able to recruit Robert from the F.B.I. office in Dallas, Texas to keep a sharp eye on the look out for any incriminating information that might come in that involves Duncan's activities here in Hunt county.

The fed's would never, ever investigate him.

Wednesday July 12, 1989 4:09 p.m.

Greenville, Texas

John was taken from the holding cell to A-tank, and as he stepped in carrying his green plastic comfort mattress that was given to him by a trusty, and he looked around and observed that about seven men were sleeping on the floor, so he was able to deduce that he would also have to sleep on the floor, so he located himself a spot and put his mattress there.

"What is your name?", a black man asked him.

"My name is John", he responded.

"What did they get you for?", was the next question.

"I am not really sure, since they haven't told me anything. But I
think i was arrested for burglary. I had a cop stop me, and when i asked him why was i being stopped, he said that someone had broken into the drug store", he said.

"Did he arrest you right then?"", he inquired.

"No they didn't arrest me. They let me go, and i was arrested later on", he responded. "But when i asked the arresting officer why i was being arrested, he said for theft over twenty thousand dollars", John added.

"What is your name?", John asked.

"James Robinson", he said.

"What did they get you for?", John asked.

"I was arrested for selling meth man. And while i was in the hold over tank, i had Fred Eaton, and Mickey Money come and tell me, that if i will sell for them, they would drop the charge against me", James said.

John thought it was a good offer.

"So did you accept the offer?", John inquired with some doubts running through his mind.

"No i didn't. I thought that they would try to set me up to be caught by the fed's", he said.

"Who is Fred & Mickey?", John asked.

"Man you don't know who they are?", James asked.

John shook his head from side to side saying no.

"Fred is the Chief Jailer, and Mickey is a city council man", he said.

John was stunned by this information, and he was thinking that James was making the whole story up, and that he was lying.

"Surely this county can't be that corrupt", John thought to himself.

Thursday July 13, 1989 12:16 p.m.
Greenville, Texas

"Who is John Banos", John heard a voice ask. John looked to the direction of the voice, and he saw a trusty standing at the front of the tank.

"That is me", John said as he walked up to the front area.

"They have you on the front page of the newspaper. Do you want to read it?", the man asked.

"Yes I do", John answered.

The man handed him a newspaper, and looked at the front page looking for the story.

"Hurry up and read it, because the paper doesn't belong to me", he said.

So John located the story, and read it very quickly as he could, and he was shocked to learn that he was being accused of stealing a car, kidnapping a woman, and raping her. So he handed the paper back to the man, and went to his mattress, and sat down, and started racking his brain trying to figure out just what the hell was going on here.

Yes he did break into a vehicle, but there was no one in it when he did so. As a general rule, if someone is in a vehicle then he is not about to enter it. That is stupid.

So then John remembered how that one Sunday how Thomas came over to his house, and told him that the police was at his house that morning asking him if he knew anything about a woman being kidnapped. So Thomas the wife beater has went and did something dumb to a woman, and now I am caught up in the mess.

"But why am I being arrested?", John asked himself. So John searched his memory to remember where he was that night. So the more John thought about it, he begins to remember what he had done that night.
Friday July 14, 1989 10:15 a.m.

Greenville, Texas

"John Banos, where are you?", Deborah Lee a jailer said aloud.

"That's me", John responded as he stood up from sitting on his mattress.

"Someone wants to see you", she said.

She had the pickett officer open the outer cell door, and John stepped through it into the hallway, and John saw Detective Hudson.

"I have a search warrant here he said", as he held up a piece of paper to John.

"It is to get DNA samples from you, and if you refuse to go, then we will beat you up, and make you go", Detective Hudson said.

"I have no problem with going", John responded, as he looked at this dumb cop. To imply that he didn't want to go was so very ridiculous, because as soon as the testing was done, they would see that he is innocent, and then they will feel real stupid, and will have to let him go.

So John was taken to the General Citizens Hospital, where he gave the Doctor a sample of semen, salvia, and some pubic hairs, and some hairs from his scalp. When they arrived back at the jail, Detective Hudson gave him a copy of the search warrant, and so John read it upon him arriving back to his green comfort mattress. And on page 5 of the warrant, Detective Hudson had wrote the following;

- Head Hair-Combed + pulled
- Pubic Hair-Combed + pulled
- Salvia-Swab + slide
- Blood-2 (two) Tubes
- Semenial Fluid - Tube

"They didn't take any blood from me", John said to himself, as he sat
there on his comfort mattress trying to discern what did this imply.

Wednesday July 19, 1989 10:19 a.m.
Greenville, Texas

John was sitting there on his comfort mattress as he was trying to discern what was going on. They mentioned a bar in the newspaper story, but the car that he broke into was in an apartment complex, and it wasn't any where near a bar. But also on that Saturday night, he hadn't broke into any vehicles.

It was a Saturday night he reasoned, because Thomas had came over to his house on Sunday morning after church time, and said that the police had been at his house that morning asking him about a womans car being stolen, and her being kidnapped. So immediately Thomas was a suspect in this case. "So why was i arrested?", John asked himself.

And him and Thomas had split up at Thomas's house, and John had went to the Walmart store by himself. So after they split up, Thomas went back to the bar and got into a wreck with some woman, John thought to himself.

Destiny though in it's wisdom had allowed John to be incarcerated at a younger age, so as to prepare himself mentally for the psychological affects that can take a toil on ones mind, because men who were not prepared for it, will experience serious psychological problems.

"What are you in for?", a new man to the tank asked John.

John looked up, and he saw that the black man was directing the question at him.

"They say that i kidnapped a woman, and that i raped her", he said.

"Who is she?", he asked.

"The newspaper said her name is Susan", John said.
"Man I know Susan", he said.

"You do?", John asked with surprise.

"Yeah man. I went to High School with her, and she would have sex with anything that had a penis", the man said.

"I will tell my lawyer about that when they give me a lawyer", John said.

"Can you afford a lawyer?", the man asked.

"No, I don't have any money?", he said.

"Well you need to send a request to Deborah, and tell her that you need a form to fill out, to request for a lawyer", he said.

"Who is Deborah?", John inquired.

"She is the jailer with the short brown hair", he said.

"Ok, I will send her a request", John responded.

Wednesday July 19, 1989 2:32 p.m.

Greenville, Texas

"Will you accept a collect call from John Banos?", the operator asked.

"Yes I will", was the answer.

"Hello there Janice", John said.

"Hi there. How are you doing?", she inquired.

"I guess that I am alright".

"Will you be able to prove that you are innocent?".

"Yes I will. They took some DNA samples from me the other day, and it will prove that I didn't do it", he said with confidence.

"Thank for going over to my house, and doing that for me", John said. When he first got to the jail there, he had called Janice, and asked her to go to his house and get the twenty dollar bill off his bed, and put the money on his account, and she did it for him.
It was the money he got for his work that he did with Jesse on a couple's house.

"Do you have a lawyer yet?", she asked him.

"No not yet".

"Well I know a real good lawyer. He comes to our church, and you should ask for him. His name is Peter Chamberlin", she said.

"Alright I will do that".

"I have to go, but I will pray for you".

"Ok, thank you", he said and hung the phone up.

Thursday August 10, 1989 9:15 a.m.

Greenville, Texas

"Hello there, my name is Peter S. Chamberlin, and I was appointed by the court on Wednesday August 9, 1989 to represent you, in Banos v. State cause no. 15,538, 15,539, 15,540. You will be having a parole hearing on August 25, 1989 at 10:00 a.m.. The purpose of the hearing is to determine whether or not, if there is enough evidence to show that you committed a crime. If that is shown, then they will violate your parole status", Peter said.

"Alright", John said.

"The victim will testify, and you will not be allowed to see her", he said.

"Why would I want to see her?", John thought to himself.

"Detective Bruce Hudson will also testify, as well as Thomas Sutton", he said.

"Why is he testifying?", John asked, and Peter didn't understand the question.

"He will testify that the both of you were seen downtown together, and that you wanted to steal a car, and that you got in the victims car and
drove off with it", as Peter talked on John blocked it out, as he was
trying to figure out what was going on, so he missed what else Peter said.

To the best of his memory, him and Thomas were always together, except
that one night when they split up at Thomas house.

"It is my advice that you don't testify at the hearing", Peter said.

John looked at him as if he was pulling a prank on him, and Peter could
tell by the expression on his face that John found that to be odd.

"Look, I am a lawyer, and I know what I am doing, so don't testify", Peter said.

John was confused, and he didn't know any better, because he was
immature to judicial tactics. It was after his jury trial that he would
discover that Peter had no jury trial experience, and that in his career
as a lawyer in Hunt county, John's case was the first one that he took to
jury trial.

"Alright", he said. "You need to file a motion for discovery", John
said.

"Yes I know, and I will file one soon", Peter said.

"Here you go", Peter said as he retrieved some documents from his brief
case, and handed them to John.

John grabbed them, and then turned around, and left out of the room,
and returned to his cage, and sat down on his comfort mattress.
IV
UNVEILED DECEPTION

Thursday August 10, 1989 9:31 a.m.
Gatesville, Texas

The men the American people admire most extravagantly are the most daring liars;
The men they detest most violently are those who try to tell them the truth.

H.L. Mencken
Chapter four

John was reading in his bible about the Prophet Micaiah the son of Imla, and he was summoned by King Jehoshaphat in order to find out if he should go with King Ahab to Ramoth-gilead in a battle to take place.

Now the other prophets lied to the King and said go, and you will win the battle. Now when the messenger spoke with Micaiah he asked him to speak well to the King about going into the battle.

So when Micaiah stands before the two kings, King asked him should he go to Ramoth-Gilead to battle, and Micaiah said, "Go ye up, and prosper, and they shall be delivered into your hand". And so the King said unto him, "How many times shall I adjure thee that thou say nothing but the TRUTH to me in the name of the Yahweh?"

So the King was asking for the truth, and so Micaiah told him the truth, and that he saw all of Israel scattered, as sheep that have no shephard.

So then the King complains, and tells King Ahab, "Didn't I tell you that he would not prophecy good unto me, but evil".

So then King Jehosaphat orders a man to take Micaiah, and put him in prison, and inflict him with bread and water.

So John knew that there was people in the world who claim that they want the truth, but when you give it to them, they become enraged with anger at the TRUTH? Truly a mysterious paradox.

As John sat there on his comfort mattress, he saw that he had a copy of Ms. Shuttlesworth General Complaint that was notarized on July 7, 1989, the same day that he was arrested.

So John started reading the complaint, and this is what it says;

...John Wesley Banos hereinafter styled defendant, heretofore, on or about the 25th day of June A.D. 1989 in the county of Hunt and State of
Texas, did then and there intentionally have sexual intercourse with Susan Leigh Shuttlesworth, a female not his wife, without Susan Shuttlesworth's consent, and the said defendant compelled Susan Shuttlesworth to participate by the use of a threat that would prevent resistance by a woman of ordinary resolution under the same and similar circumstances because of a reasonable fear of harm; and the said defendant did then and there intentionally by acts and words place Susan Shuttlesworth in fear that seriously bodily injury would be imminently inflicted on the said Susan Shuttlesworth. Affiant is a Sergeant with the Commerce Police Department and is currently assigned to the Criminal Investigation Division. Affiant bases his belief on the following facts and information. Affiant has reviewed a crime report dated 06-25-89 which states that around 1:20 a.m. Susan L. Shuttlesworth was setting in her car which was parked on the square in Commerce, Texas and was waiting for a friend when two (2) white males jumped in the car with her and drove off with her in the car. Affiant has a sworn affidavit from Susan L. Shuttlesworth that states that on 06-25-89 around 1:20 a.m. she was in her car parked on the square in Commerce, Texas. Two white males jumped in the car and drove it away. Affidavit states that the description of the driver was a white male, 18-22 years old 6'0"-6'02" tall thin build, blonde-medium brown hair, curly on top and collar length in the back. The other male described as 5'5"-5'7" tall, stocky build, brown-black hair and he was carrying a black box with a handle on it. The driver drove Susan Shuttlesworth around town and then told the other white male to get out of the car. Affidavit states that the driver called the male in the back seat "Chris". The
sworn affidavit from Susan Shuttlesworth states that the tall white male driving then took Susan Shuttlesworth to a location in Hunt county Texas and forced her to have sexual intercourse with him against her will. Susan Shuttlesworth states that she bit the male on the finger and he slapped her in the face. He then drove her to a second location which is in the city limits of Commerce, Texas and forced her to have sexual intercourse with him again. Susan Shuttlesworth further states that she was driven out Highway 11 East towards Hopkins County, Texas and was sexually assaulted a third time and put out of the car, and driving off and leaving her on the side of the road. The white male told Susan Shuttlesworth not to report this to the police that he would find out if she did and that he would find her and kill her. The white male told her that he had a knife in his pocket if she did not do as he said. Affiant has in his possession several sworn affidavits that state that the two (2) white males were observed on the square around the location and the time of the offense. Affidavits state that the physical description of the tall male on the square is similar to that of the defendant. Affiant through his investigation obtained a photo and identification information of the defendant. Affiant has in his possession a sworn affidavit from Susan Shuttlesworth that states that on 07-6-89 she was shown a photographic line-up of six WHITE males by Detective Bruce Hudson. Affidavit further states that Susan Shuttlesworth picked the # 5 photo in the line up of that of the defendant and that the # 5 photo is the man that stole her car, abducted her and sexually assaulted her on 06-25-89.

John noticed that the complaint is signed by Detective Hudson, but he
wouldn't learn until much later that under Texas statutory law under Texas Code of Criminal Procedure Art. § 21.21 (9) that the complaint has to be signed by the district or county attorney, and that it doesn't give a Detective authorization to sign it.

"The man was described as having blond-medium brown hair, curly on top and collar length in the back. And my hair is military short, and dark brown, and straight all over, and not curly any where. So the police knows this, which means they know that I don't fit the description, so why have they arrested me?"' John asked himself.

So just then John's trust rate in cops that he had been able to muster up just evaporated, and he would never again in his life trust any stinking pig in an uniform. They are all corrupt.

Then John reflected on when he was stopped by those cops three different times, and the one said they were investigating a burglary of a drug store, but they wasn't. They were investigating this crime, and it was obvious that because he didn't fit the description, like duu, I have military short hair, that is dark brown, and not curly. is why no arrest was made.

John looked back at the complaint as a thought struck him, and he saw that Detective Hudson said that this crime took place on 06-25-89, which was ten days after he had been released from prison, and yes my hair was still in fact military short.

Then John remembered the young lady on the Trailways bus that thought he was in the military, because his hair was so short.

John gave himself a mental shrug, and picked up the next document to read it, as he set down the information complaint that lead to him being indicted.
So John started reading the indictment in cause number 15,538 which holds that John Wesley Banos; did then and there intentionally and knowingly sexually assault Susan Shuttlesworth, by causing his sexual organ to penetrate the female sexual organ of the said Susan Shuttlesworth, without her consent, and the defendant compelled Susan Shuttlesworth to submit and participate by threatening to use force and violence against her, and Susan Shuttlesworth believed that the defendant had the ability to execute the threat; and the said defendant did then and there intentionally and knowingly by acts and words place Susan Shuttlesworth in fear that serious bodily injury and death would be imminently inflicted on her.

So as John finished reading the indictment, he set it down and was wondering what possess men to do such things? John didn’t know the answer.

He set it down, and then he picked up the final document to read, and he saw that it was a statement given by Thomas, and they say that it was given on 07-8-89 at the Commerce Police Department, and after he read it he was furious at the lying scumbag that Thomas is. So John had to read it again, and this is what the wife beater had to say;

John Wesley Banos came over to my house at 1301 Earl Street in Commerce, Hunt County, Texas. I was staying my wife's uncle at his house. John got to the house about 8:45 p.m. on Saturday night June 24, 1989. We sat at the house and talked for a while then John and I left. John and I went walking up and down Live Oak street. The whole time that we were walking John was talking about he had been in jail for 10 months and that he (John) was looking for some pussy. John was trying
to talk me into letting him f--k my wife Kathy Sutton. We were about at the apartments on Live Oak Street when John said this and I told him if he f--ked Kathy that he had better get out of town because I would hurt him. John said, "Lets go down by Little Bit and see if we can find some girls". We walked down Washington Street to the square and then we sat on the bars at the ramp for wheel chairs. John started talking to some girls that walked by and the girls would not talk to him and John got mad. I was carrying my jam-box and we were just setting there listening to music. About 1:00 a.m. when the bars were closing the people came out and walked by us. John decided that he would walk over to the bench and set down. When we got to the bench we noticed a white female in a car, with door open and she was twerking up. I sat on the bench and John walked over to the girl and John ask her if she was alright. She said that she was ok. John came back over to the bench and sat down beside me. The girl was inside her car and the motor was running. John said, "do you want to have some fun". I said what are you talking about. John said stealing a car. I told John NO and John asked me why not. I told John that I was not into stealing cars and stuff. John said, oh come on man. I said if you are stealing car, I'm leaving. But if it was me I wouldn't. I got up off the bench and started to walk off. I was walking off towards the bank on Washington Street and I looked back and John was getting in the girls car. The car was a Maroon car. I kept walking and was at the bank parking lot at the church. John pulled up beside me and the girl opens her door and tried to get out. John had pulled up in the parking lot of the bank when she tried to get out of the car. John grabbed the girls arm and pulled her back in the door.
John told me to come on. I told him no. John told me if I did not come on with him that he was going to kick my ass. I knew that John carried a survival knife with him all the time, so I got in the car. John pushed the girl up and I got in on the passenger side of the car. We drove down Washington Street to Live Oak Street. We turned right on Live Oak Street and we were driving along and John said that he saw a cop car coming that had its emergency lights on and it was coming up behind us. John then turned right on Bois Street and went down to Caddo Street and he stopped. The girl tried to get out of the car again when he stopped. John grabbed her and I jumped out and told John that he might as well let her go, he had her car and her purse. John said, "no I told you I wanted some pussy, I'm going to f--ck her".

I walked on home and John took off in the girls car. John drove down Caddo to Prim. I walked off the other way after I saw him turn. John came over to my house again later on in the day on Sunday. John told me that they drove to Greenville and that the car was running out of gas so John turned around and drove to Sulphur Springs, Texas. John said that they got to Sulphur Springs and that he pulled out in a field and they got out and John f--ck the girl three (3) times. John said that he left her out in a field and that he came home.

Monday morning June 26, 1989 John came over to my house again and he wanted me to go riding with him. I told him no. John told me that he hid the car behind the lumber yard on Washington Street. It was behind where they make the pallets in the grass. John then left after I would not go with him. On Wednesday night after church John came by my house and asked me to go with him to where the car was and for me
to help him wipe off the fingerprints. I told John that i was not getting involved with the car or him. John then left my house. John told me that he was going to move the car. John told me where he was going to move it to. John told me that he was going to move it behind some trees off Washington Street and Highway 11, this is near El Sombrero. The next day Thursday June 29, 1989 John and i were walking up to Walmart and John pulled the car key out of pocket and asked me if i thought he ought to keep it or not. I told John that it was up to him and John threw the key up in some trees at the corner of Earl and Sycamore Street. Nothing else was said at that time. I walked up to Walmart to turn in a job application. John left before i got through so i went back to my house and i guess John went home. This same night when i was at home my wife asked me about the deal and i told her that John had stolen a car and took the girl that was in the car off and raped her. There were some police officers came to by my house and asked me if i knew anything about the stolen car or a girl getting kidnapped. I told them no that i did not. I did not tell them the truth because John had threatened me again if i said anything. John said that he was still going to kick my ass. I did not say anything so the police officers left. Jesse, Kathy uncle told me that i was going to have to leave. Kathy and i had gotten into two fights so i left to go to Mesquite to live with my dad. On July 7, 1989 Kathy had called my dada house and i had to call her back. She told me that she had talked to Detective Hudson and that if i did not come back to Commerce that they would find me and arrest me. I came back to Commerce and spoke with Detective Hudson. I took
him to where John had told me the car was hidden. Det Hudson walked with me out in the grass and behind the trees where John told me the car was and they found it in the same place he said and that I had told them. I then came to the police department and I gave Detective Hudson this statement. I was not promised anything and I was not threatened. Everything that I have said is the truth and is to my best of memory.

"Wow", John thought to himself. It was very obvious to him that Thomas was a compulsive liar. And the moral here was not to associate with any man who was a wife beater. He said that Jesse made him leave because him and Kathy had two fights. That is a lie. Jesse made him leave his own wife, because he is a wife beater, and to lazy to work.

John was so angry right then, that he wished now, that the first time that he saw Thomas hit Kathy, that he would have smashed on him. "And if I ever see a woman being treated wrongfully by any man, then I will smash on him", John told himself right then.

Then John had concluded just then, that everything Thomas had told him had to be a lie.

"I was forced against my will to marry Kathy", Thomas said to John as they walked down the street one night.

"How is that?", John asked having doubts about his allegation.

"Kathy's dad caught me burglarizing his house. And he told me that I had to either marry Kathy, or go to jail. So since I didn't want to go to jail, I went ahead and married her", Thomas had said.

John had a hard time believing that. "Why did he tell me that", John wondered to himself.
And John was able to discern that Thomas was mad at him, because of Kathy having sex with him. So she must've told Thomas about it.

John made this conclusion, because in his statement he said i was trying to talk him into letting me have sex with his wife. Which is a lie, and so it must've hurt his pride, when he discovered that Kathy had sex with me, and by lieing on me is how he is getting his revenge.

"Will you do something for me?", Thomas asked John the second or third day after his wife Kathy had seduced John.

"What is it?", John asked.

"I have notice that Kathy is flirting with you", he said.

"Yes, she likes me, and she likes to play", John responded.

"Look, i will go over here and hide in the bushes. You go inside the house, and tell Kathy that i went down to the store, and see if you can have sex with her", Thomas suggested.

"Sure no problem", John said really not sure if Thomas was serious.

"Well do you want me to go in now?", John asked after Thomas failed to say anything.

"No never mind, it's alright", Thomas said.

John sat there on his comfort mattress remembering the different times of his path interacting with Thomas and Kathy.

"It is a bizarre journey", John thought to himself.

But there is another weird element to this as well. If John is the big bad Wolf, and Ms. Shattlesworth and Mr. Sutton are the two little innocent pigs, then why is there discrepancy in their accounts about what took place that night when the big bad Wolf John preyed upon them?

Susan said that both of the men got into her vehicle at the same time,
but Thomas said he was forced into the vehicle with a threat at the bank parking lot.

Thomas said that when the man pulled into the bank parking lot, that Ms. Shuttlesworth opened the door, and tried to escape, but that the man grabbed her arm. But yet she doesn't mention this in her affidavit.

Thomas said that they went down Caddo Street, and that the driver stopped, and that Ms. Shuttlesworth tried once again to get out of the car to escape, and that the man grabbed her arm.

But then once again, no where does Ms. Shuttlesworth mention this attempt to get out of the vehicle. "Why?", John asked himself.

And if John is going to great lengths to do the hanky panky with a woman, then why does he want Thomas there with him?

"Am i in the twilight zone?", John asked himself.

He didn't receive an answer.

Thursday August 10, 1989 10:52 a.m.

Greenville, Texas

Duncan picked up the phone after the fourth ring of his phone.

"Hello, F. Duncan Thomas District Attorney, how can i help you?", he asked.

"You got a problem", Michael Steel from the state crime lab in Garland, Texas said.

"Oh, what is that?", Duncan asked.

"The vaginal swab in the Benos case clearly shows that the man did not rape Susan. The vaginal swab tested to be blood type 'A', and Benos is type 'O'", Michael said.

"So do something that will cast doubt on the results or something",
Duncan said with annoyance.

"Look, the vaginal swab is type A blood, and Susan is type A as well, and I ran a DNA test on the samples, and the DNA is different. The man didn't do it", Michael said.

"Alright look Michael. I know that you are very creative, and you can come up with something. I need a conviction on this case", Duncan said.

"Ok I will come up with something", Michael said with reluctance as he hung up the phone.

Friday August 11, 1989 4:17 p.m.

Commerce, Texas

Detective Bruce Hudson was sitting at his desk, when there was a knock at his door.

"Come in", he said. Bruce saw a postal worker walk in.

"Are you Detective Bruce Hudson?", the man asked him.

"Yes I am", he said.

"I have a Fed Ex priority mail package for you, and I need for you to sign this card", he said as he handed the green card to him.

Bruce grabbed the card, and set it on top of his desk, and signed the card for the man. He handed it back to him, and the postal worker handed him the package.

The postal worker left, and Bruce looked at the front of the envelope, and he saw it was from Michael Steel at the State crime lab.

He opened up the envelope, and took out some papers, and he started reading them.

The first page was dated June 28, 1989 and he looked at the evidence that was submitted which is;
1. Pink panties with sanitary napkin from victim;
2. Blue jeans from victim;
3. Blouse from victim;
4. Socks from victim;
5. Sexual assault evidence collection kit from victim.

He then looked at the results of analysis which is:

The victim's blood was typed as a group "A" and a secretor by Lewis typing.

Acid phosphatase, a non-specific semen component, was detected on the vaginal swab, vaginal smear slides and in the crotch of the panties. A presumptive test for the presence of blood was also positive on these items.

Spermatozoa were observed on the vaginal smear slides, indicating the presence of seminal fluid.

Hairs were recovered from the pubic combing and the panties. These hairs were visually similar to the victim's pubic hair specimen. Head hairs were recovered from the head hair combings, jeans, and blouse. The victim's head hair specimen was insufficient for comparison purposes.

No relevant trace evidence was detected on the socks.

No analysis was performed on the saliva specimen from the victim.

Bruce glanced at the rest of the information, and saw it was not important, so he turned the page, and the next letter was dated August 9, 1989.

Bruce skipped the top part of the letter, and he wanted to read the results of analysis which says:

The presence of seminal fluid was confirmed on the vaginal swab and on
the stain from the crotch of the panties. Blood group substances "A" and "H" were detected on the vaginal swab. No blood group substances were detected in the stain from the panties. Genetic marker PGM 1+ was also detected on the vaginal swab. The stain from the panties did not respond to genetic marker testing.

The suspect's blood was typed as a group "O", PGM 1+, and a nonsecretor by Lewis typing. Amylase, a constituent of saliva, was detected in the saliva specimen from the suspect. No blood group substances were detected in this specimen, confirming his status as a nonsecretor.

The victim's blood had previously been typed as a group "A". Amylase and blood group substance "A" were detected in the saliva specimen from the victim confirming that she is a blood group substance secretor.

Genetic marker PGM 1+ was detected in the victim's blood specimen. We were unable to confirm the presence of seminal fluid in the suspect's prostate specimen.

Head hairs and one red fiber were recovered from the beige bra (exhibit 3A)). These head hairs and head hairs previously recovered from the victim's head hair combing, jeans, and blouse, were very similar to the victim's head hair specimen. The suspect's head and pubic hair specimen contained only one hair each and, therefore, are insufficient for comparison purposes. Due to the time lapse between the date of offense and the date the head and pubic combings from the suspect were taken, no analysis will be performed on these specimens.

"What do they mean that there was only one head hair, and one pubic hair for testing, when he sent them plenty of hairs. He was at the Hospital when the hairs were taken", Bruce thought to himself. So he kept on reading.
The next one was titled explanation, which says: A secretor is a person who secretes his ABH blood group substances into his body fluids (salvia, semen, vaginal fluids, etc.). Therefore, a person who is a blood group "A" secretor would secrete blood group substance "A" and "H" into his body fluids, a blood group "B" secretor would secrete "B" and "H" blood group substance. A person who is a blood group "AB" secretor would secrete "A", "B" and "H" blood group substance, while a blood group "O" secretor would secrete only "H" substance. A nonsecretor is a person who, in general, does not secrete any blood group substance into his body fluids.

The enzyme PGM is found in semen and vaginal fluid. In general, seminal fluid found in most sexual assault cases is a mixture of semen and vaginal fluid. When stains containing semen are tested it must be assumed that any PGM type similar to the victim could have originated from the victim. The only PGM type that can be attributed to the suspect would have to be foreign to the victim's PGM type.

Conclusion: The genetic markers detected on the vaginal swab ("A" and "H" blood group substances and PGM 1+) are not foreign to the victim's blood type, therefore, no conclusion can be made as to the source of these markers.

"Well this will not help Duncan get a conviction", Bruce said to himself.

"I will call Duncan, and let him know that Michael needs to come up with something better", he said to himself.

Sunday August 13, 1989 10:00 a.m.

Commerce, Texas

Detective Hudson held the photo line up for Susan to look at.

"Do you recognize any of these men?", he asked her.
Susan looked at the photo lineup for about a minute, and said.
"I don't recognize any of them", she responded.

"That is alright. Just sit here, and I will be right back", Bruce said as he got up with the lineup, and left out of his office.

He went to the photo room, and removed all the pictures from the lineup except for photo number five. He then replaced those five photos with the photos of five Mexican men. He then returned to his office, and sat down beside her.

"Now take your time Susan, and study the photo lineup carefully, and see if you recognize anyone", he said as he held up the lineup.

Susan looked at the photo lineup, and she didn't recognize any of the men in it. But she was ready to leave this cop building, and go and smoke a joint.

"It was him", Susan said, and pointed at the picture of some man, since he was the only caucasian man in the photo lineup.

"Alright that is good, very good there", and you can leave now Bruce said to her. So she got up and left out of his office.

Bruce smiled to himself. He thought about how the U.S. Supreme Court in 1968 said in SIMMONS v. U.S. 390 U.S. 377, 88 S.Ct. 967, 19 L.Ed.2d 1247 the court held that 'convictions based on eye-witness identification at trial following a pre-trial identification by photograph will be set aside on that ground only if the photographic identification procedure was so impermissibly suggestive as to give rise to a very substantial likelihood of irreparable misidentification.'

But of course cops do it any way, and we can do it, and there is nothing anyone can do about it. He loved getting rich from sending
innocent people to prison. "What a great life", Bruce thought to himself.

Monday August 14, 1989 11:15 a.m.

Greenville, Texas

Duncan sat at his desk in his office, and he was smiling as he read Mr. Chamberlin’s motion for discovery that was filed this morning in the clerk’s office.

Bruce had called him, and told him about the lab results. So he had called Michael about the useless lab report. He then reminded Michael that if it wasn’t for him, that Michael would be in prison right now serving time on a rape charge. So Michael said he would make up something good to use in the Susan/John drama.

"Such a waste of time in even drafting up the discovery motion, because he would never give Mr. Chamberlin any of what he had requested for. Ha", Duncan thought to himself.

He suddenly had a strong urge to read his favorite word from the Black’s Law Dictionary. So he stood up from his desk, and walked over to his book shelf of law books, and retrieved the dictionary from the shelf, and returned to his desk, and sat down.

And he turned to the word ‘Legal Fiction’, and he feasted his eyes on the last paragraph, which was his favorite part of the magnificent word. He read;

Legal fiction is the mask that progress must wear to pass the faithful but blear-eyed watchers of our ancient legal treasures.

But though legal fictions are useful in thus mitigating or absorbing the shocks of
innovation they work havoc in the form
of intellectual confusion.

"That is such a majestic writing there", Duncan thought to himself. And Duncan wore a special mask that no other District Attorney has ever wore in history, because when it came to legal fiction no one can out do him.

He is the MASTER of legal fiction!

And the citizens of Hunt County were as gulliable as little kids that believed in Santa Claus, and when they looked at him they had stars in their eyes, and worshipped the ground that he walked on, he thought with a smile on his face that would make Satan proud, because it was sinister.

He looked down at his legal pad at his legal notes that he took, because an inmate in TDCJ-CID was raising a Brady claim in a Habeas Corpus, and Duncan was going to file a response with the court.

The Supreme court case in U.S. v. AGURS 96 S.CT. 2392 (1976) caught his attention, and he read what the court said:

There are situations in which evidence is obviously of such substantial value to the defense that elementary fairness requires it to be disclosed even without a specific request.

Duncan realized that the Supreme Court made this ruling as part of the progress of legal fiction. You have to give a dog a bone every once in a while to keep it happy.

Because no District Attorney in America will acknowledge it, and of course all D.A.'s are totally immune from any civil liability, so it was all smoke and illusion for the gulliable citizens, to make them happy.
Just then Duncan thought about the Supreme Court decision that involved D.A., Richard Pachtman in IMBLER V. PACHTMAN 96 S.CT. 984 (1976) where the court ruled that;

A D.A. is immune from a lawsuit even when he uses perjured testimony and suppresses evidence favorable to the defense. And the sketch of the killer was altered to resemble Paul Imbler.

"That is such beautiful legal fiction. And the gullible citizens of America have fallen for it", Duncan thought to himself as he smiled.

And then in Texas Duncan and a few of his D.A. friends had persuaded the legislators in Austin, Texas to let the 'Prosecutor Council; Discipline of Prosecutors' statutory law to expire on September 1, 1985.

"Isn't America a wonderful place to be", Duncan thought to himself.

Wednesday August 16, 1989 1:22 p.m.

Greenville, Texas

John was sitting at a table in the jail cell smoking a Buglar cigarette that he had just rolled up. You have to roll your own, and he did alright in doing so. His lungs were happy, and that was all that was important right now.

"What are you in jail for?", a black man asked him that had just sat down at the table, and he was a new boot in the tank.

"They are saying that i stole a car, and kidnapped a chic, and then i raped her three times", John replied.

"Did you know her?", he inquired.

"No i never met her", he responded.

"What is her name?", he asked.
"Susan Shuttlesworth is what my indictment says", he answered.

"Man i know Susan. And she will have sex with any man who comes onto her", he said.

"You are the second person that i have met, who has told me that", John said to him.

"Well that doesn't surprise me, because everyone knows about her", he said.

"I will tell my lawyer about what you said", John said.

Friday August 25, 1989 10:00 a.m.

Greenville, Texas

"Do you solemnly swear to tell the whole truth?", William Robinson asked.

"Yes i do", Bruce answered.

"Will you describe to the parole board how you started your investigation into this charge", William suggested.

"I went to the police department and met with Susan Leigh Shuttlesworth.

I then took Susan to the hospital where a rape kit was done. I talked to the medical examiner, who advised me, based on their examination of Susan he was of the opinion that she had been sexually assaulted. At this time i had no suspects, but i made arrangements with the medical staff to forward samples of specimen if an arrest was made in this case. The samples that had been taken from John Banos have been mailed to a laboratory for analyzes, but they haven't been returned yet", he said lying with absolute perfection.

"Alright, what happened next?", William asked.

"During the course of my investigation, i obtained about six sworn
affidavits from witnesses who were in the area, and they gave a physical description of two males hanging around near the time of the alleged offense. I instructed my patrol officers to stop persons fitting the description given and one was known to have carried a large jam box. One of my patrol officers stopped two males fitting the description given with one carrying a jam box, and I obtained the names of Thomas Wayne Sutton and John Banos. These two men became suspects, and I began an investigation into their backgrounds. During the course of this investigation I discovered that Sutton had not been truthful in answering some basic questions. I left word with Sutton's wife for him to contact me. Sutton came to my office advising he wanted to clear up some business, and gave a voluntary statement implicating himself and John Banos as being the ones who committed the offense.

After Sutton gave his statement, he then took me to the vehicle and said that John Banos hid the vehicle there. I then acquired a photo of John Banos from Tarrant County and compiled a photo lineup, and Susan positively identified John Banos from the photo lineup"., Bruce said lying with masterly perfection.

"Do you have any questions for the Detective?", William asked Peter.

"Yes I do", Peter said.

"Was Susan given any information about John before she looked at the photo lineup?", he asked.

"No, Susan had never made face to face contact with John during the investigation. And Susan was not given any information about John before she made her identification based on a photograph. The suspects used the names David and Chris in the presence of Susan. My investigation revealed
John is David, and Sutton is Chris. John was identified as the driver of Susan's vehicle and was identified as the rapist", Bruce said.

"Do you have any more questions?", William asked.

"No i don't have any more questions", Peter said.

"I would like to submit the photo lineup, and statement of victim identifying suspect in photo, and medical report", John Mitchell said, John's parole officer.

"I object to the medical records, because it is incomplete and that the final results have not been returned from the laboratory", Peter said.

"Your objection is over ruled", William said.

"You may leave Detective Hudson", William said.

"I will now call Thomas to testify", William said, and left out of the room and returned with Thomas.

"Sit right there", William said as he pointed at a chair.

"Do you solemnly swear to tell the whole truth Thomas?", William asked.

"Yes i do", Thomas said lying.

"What do you know of this crime?", William asked him.

"I met John about two weeks before this incident took place. We were sitting outside a club called Little Bit in Commerce listening to my radio. We saw a female sitting in a Maroon car who appeared to be sick, as she was throwing up. John approached her and asked her if he could be any assistance. He then told me, that he was going to steal a car, but i left, because i didn't want anything to do with it.

I looked back and saw John getting in the Maroon vehicle with the female. A few minutes later John drove beside me in the vehicle, and told me to get in.

But i refused to get in, but then John threatened to harm me, and i knew
that he carried a large knife with him, and I didn't know him that well, and I was afraid of him.

The woman tried to get out, but John pulled her back into the vehicle. So I got in the car, and John took off driving. John stopped at a stop sign, and told the female something and she opened the car door, and I got out of the car, and I asked John to let her go. But I can't remember what his response was.

The next day, John came to my house telling me that he had sex with the woman at least two times. John then took me to an area, where he had hidden the car, and he wanted me to help him wipe off all possible finger prints, but I wouldn't help him.

And then the next day, John showed me the keys to the car. John told me that he moved the car, and told me of it's location. When I went to the police I voluntarily gave my statement to Hudson, and took him to where John had put the car at", the wife beating liar said.

"Do you have any questions?", William asked Peter.

"Yes I do".

"When did you first see this knife?", Peter asked.

"I was at Jesse's house where I lived when I saw John with a knife that is about 12 inches long. The blade of the knife was about 7 to 8 inches long, and he kept it hidden inside his pants waist band", the liar said.

"And you were stopped by the police?", Peter asked.

"We were stopped by a police officer several days after the alleged incident had occurred", the liar said.

"Ya'll were outside the bar, and you carried a radio?", Peter asked.

"We were outside of Little Bits Bar, and I did carry a black jam box", the liar said.
"When the police stopped ya'll, were ya'll arrested?", Peter asked.

"No, we were only identified ourselves to the police", he said.

"Did you ever attempt to rape Susan?", Peter asked.

"No, i never attempted nor did i have sexual intercourse with her", he responded.

"Did you wipe off any finger prints off the car?"

"No i didn't and i wasn't present if and when any finger prints were wiped from the car",

"Did the keys that John show you belong to Susan's car?"

"I am sure that the keys he showed me, belonged to the car that John drove. And the car i showed to Detective Hudson is the same vehicle John stole with Susan in it"

"I have no further questions for him", Peter said.

"You may leave Thomas", William said. Thomas got up and left.

"I will get the next witness", William said, and left the room and returned with Ms. Shuttlesworth, and had her take a seat.

"Do you solemnly swear to tell the truth?", William asked.

"Yes i do", she responded.

"Will you tell me what happened on June 25, 1989?", he requested.

"I was sitting in my car at about 1:15 a.m. waiting on my boyfriend to drive me home, and he worked at Little Bits Club, and was scheduled to get off at 1:30 a.m.. I was feeling ill, but i wasn't drunk, although i did drink a few beers. Two men got into my car, and i tried to escape, but this man put his hand over my mouth and held me. I tried to escape again, but he held me in the car. The man identified himself as David, and he was the driver of the car. And this man sexually assualted me"
three times that night. The man in the back of the seat called himself Chris. After they got into my car, they drove for a little while, and David let Chris out of the car, and Chris did ask David to let me go. David then drove in the direction of Interstate 30 telling me that he was going to Florida, and he told me that he had a knife in his possession. He drove around in Commerce, and stopped on two occasions, and forced me to participate in having sex with him. He did penetrate my vagina two times in Commerce. He then drove to another location in Hopkins County, and raped me again. At about 4:20 a.m. he released me on Hwy 11, and threatened to kill me if I reported the incident to the police. He said that he didn’t have a gun on him, but he could get one", Susan said.

"Do you have any questions for her?", William asked Peter.

"Yes I do", he said.

"Where was you sitting in the car?", he asked.

"I was sitting in the passenger side of the vehicle, with the keys in the ignition, waiting on my boyfriend, because I was not feeling well", she answered.

"And two men got in your car?"

"Yes. Two men got in my car uninvited", she said.

"This was the first time that you ever saw the suspect?"

"It was the first time I ever saw him", she said.

"And you tried to escape from him?", Peter asked.

"Yes, I tried to get away, and I told him that I would write him a check, and give him the car if he would let me go, and when Chris got out of the car, he asked David to let me go", she said.

"I have no further questions for her", Peter said.
"You may leave Susan", William said.

"For the record, the suspect has refused to testify after being advised by his counsel not to", William said to the tape recorder. "This is the conclusion of this hearing".

Monday August 28, 1989 9:18 a.m.

Greenville, Texas

"What happened at the hearing?", John asked Peter.

"Detective Hudson testified, and then Thomas testified, and then Susan did. And the evidence they have clearly shows that you did it", Peter said.

"I didn't do anything", John said incredulously.

"Look don't lie to me. I am representing you, and I need to know what happened", Peter said.

"I'm not sure what happened, but me and Thomas were hanging out at Little Bit Country Bar, and I asked Thomas what time it was. And he said it was 11:30 p.m., so I said to him, let's go to Walmart so we can meet those chics that I had met the previous weekend there, because I was suppose to meet them at 12 o'clock. So we left, but Thomas wanted to stop at his house, so we did. And I waited outside for him about 15 minutes, and when he didn't come out, I went ahead and walked to Walmart", John said.

"Do you have an alibi?", Peter asked.

"When I was walking past the football field by the Walmart, I stumbled on a rock, and these two collage guys, and a chic was walking by, and one of the guys that saw me, thought I had stumbled because I was drunk", John said.

"Do you know their names?", Peter asked.

"No. I never met them", John said.

"Well that doesn't help", Peter said.
"But can't you look for them?", John asked.

"It would be very difficult to locate them", Peter answered.

John couldn't believe what he was hearing.

"I met this man in my tank, and he knows Susan, and he said that she will have sex with any man, at any time, so i want him for a witness, and--".

"It doesn't matter if she is the biggest whore in Texas, or if she is a virgin. If she said she was raped, they will believe her", Peter said as he interrupted him.

John couldn't believe this response as well. Here it is, he has some chic saying that he raped her, and since he had never met her before, it would seem prudent to use whatever evidence is available to discredit her testimony. John surely was not a decretist in criminal jurisprudence, but he did have common sense, and right there John lost trust in his lawyer.

"We are having a court hearing on the 14th of next month, and i will ask the court that a jury trial be postponed while we wait for the lab test results to come back. You do want to wait for the results, don't you?", Peter asked.

John looked at Peter with suspicion as he was trying to discern whether or not this was a trick question. He didn't know?

"Of course i want to wait for the results to come back, because they will show that i am innocent", John answered pointing out what should be obvious.

"Here is some documents for you. It is a transcript of what was said at the parole hearing", Peter said handing him the documents.

"In the complaint from that woman, she says that the guy had collar length hair that is blondish brown, and curly on top. I was out of prison for ten days when this incident took place, and my hair is military short,
and dark brown, and straight all over, and everyone at my church saw how short my hair is. So if we go to trial I want to call them as witnesses”, John said as he grabbed the papers, and Peter looked at his hair, and observed that it was very short, and dark brown, and straight every where.

"I will check into it", Peter said. "I will see you again soon", he added as he closed his brief case and left.

John returned to his assigned tank, but now he had a room, so he went into his cell to read what was said at the kangaroo parole hearing.

John started with Detective Bruce Hudson testimony, and that Hudson said that the lab results have not returned yet. "It has been there for a month now, I wonder what is taking so long to do the testing?", John asked himself.

Hudson says that he has six affidavits of people who saw him downtown that night. They must remember me because of my sharp looking military hair cut, he said in his mind trying to be a comedian. "But why is it that no one saw the kidnapping take place?”, John asked himself.

Hudson said that the police stopped persons fitting the description, in which he is referring to me. "How do I fit the description?", John asked himself.

Hudson says he discovered that Sutton had not been truthful in answering some basic questions. "So shouldn’t it be obvious that Thomas is once again lying, by saying that I was involved?", John asked himself.

So this also clearly shows that the police is willing to accept the word of a compulsive liar. "I smell a corrupt pig", John said to himself.

Now this next part is amusing in corrupt police fiction. He says that Thomas showed him where I hid the vehicle at.
Now John went on to read the wife beaters testimony. It is true that i was in possession of a 12 inch blade knife, but i got the knife from Thomas upon me believing that my safety was in jeopardy at the hands of a gangsta thug. But when this incident took place, i was not in possession of the knife. "Why is Thomas lying to the extreme?", John asked himself.

John just read a paragraph on page 3-C that has now added a serious element to the ongoing police corruption, that is under the title of 'Hearing Officer Comments.' At the conclusion of Sutton's testimony and upon his leaving the hearing room he was placed under arrest. Sutton has been indicted by the Hunt County Grand Jury for the charge of Aggravated Kidnapping and Unauthorized use of a Motor vehicle.

"Wow", John said aloud in his cell. According to Ms. Shuttlesworth's testimony it was only the Big Bad Wolf that had kidnapped her, and had chauffeured her around town. "When did Thomas chauffeur the vehicle?", John asked himself.

"So Thomas must know that they were wanting to arrest him, even though the evidence shows that he hadn't done anything wrong. So that is why he employed bionic lying, so as to please the sinister pigs so that they wouldn't charge him, with a crime he didn't commit", John thought to himself.

"But they must've lied to him, to get him to lie. A liar deceiving a liar", John thought to himself.

A startling thought just hit John. "Then this means, that they also know that i am innocent, but they have arrested me any way. They know that my hair is military short, dark brown, and straight all over", John thought to himself.

John had a visit that weekend, and Maryann his sister told him, that the
police told Thomas that if he would testify against me, that they wouldn't charge him with anything. But right after he testified against me, he was arrested. The liars deceived the liar. Poetic justice in a sinister way.

Thursday September 14, 1989 9:34 a.m.

Greenville, Texas

"Is the State ready to go to trial?", Judge Paul Banner asked.

"Your honor, the state is not ready to go to trial, as we are waiting for the lab to complete it's testing", Duncan said lying with ease.

"Does the defense have any objections to a delay of trial, until the lab test come back?", Judge Banner asked.

"The defense has no objection to waiting your honor", Peter answered.

"This trial will be postponed for ninety days, and we will meet again on December 7, 1989 at 9 o'clock", Judge Banner said.

"Peter i have something to tell you about", John said.

"What is it?", Peter asked.

"I had an affair with Thomas's wife, and i believe that he knows about it, and that is why he is lying on me, in order to get revenge", John said.

"I will check into it", Peter said.

Friday September 15, 1989 8:16 a.m.

Greenville, Texas

"I need to speak with Michael Steel", Duncan said to the secretary.

"Who is calling?", she asked.

"Mr. Thomas, D.A. for Hunt County", he answered.

"Ok, hold on one second, and i will transfere your call", she said.

"Hello there, how can i help you", Michael said.

"Have you done it yet?", Duncan asked.
"Are you talking about the Banos case?", Michael asked.

"Yes I am", he answered.

"No I haven't done anything yet, but I am working on it. And I promise I will get it done, but those lab people at the F.B.I. are very smart, so I have to come up with something that will fool them", he responded.

"Look, I don't know how much longer I can hold off Judge Banner, so I need this ASAP", Duncan said sounding desperate.

"Alright I will take care of it", he said and hanged up the phone.
V
PATH OF DESTINY

Monday October 2, 1989 2:02 p.m.
Greenville, Texas

Thou compassest my path and my
lying down, and art acquainted
with all my ways.
Psalm 139:3
He took a final hit off the joint, and then crushed the rest of it on the ground under his work boot.

He turned to his left to re-enter his house, but then he saw Todd making his way to him, so he stopped, and waited for him.

"What's going on bro?", David asked him.

"Not a whole lot, whach you up to?", Todd responded with a question.

Suddenly they heard the screeching of tires, and police sirens, and turned around to see that police cars were descending upon them.

"Freeze right there, and put your hands in the air", a police officer yelled at them.

So they became statutes, with their hands in the air.

"Turn around, and place your hands on the house", a police officer yelled as he held his gun pointed at them.

They did, and a police officer came up behind them, and did a pat search on both of them finding a bag of weed on David.

"What are you arresting me for?", David asked.

"You know what you did, you punk criminal", Officer Jason White said.

"I am Detective Hudson", a new voice said to them. "And you are under arrest for Burglary of a Building. We know about the motor cycles that ya'll have been stealing", he said to them.

Handcuffs were placed on both David & Todd, and they were placed in separate squad cars, and then were driven to the jail, and booked in.

David was placed in a holding call, and he was there for six hours, when a jailer came to get him.

"Come on David", she said as she had the door opened by the pickett jailer.

"Where am i going?", David asked.
"Detective wants to talk to you", she answered.

He was taken to a small office, and went in, and was told by Bruce to have a seat, so he did.

"We know that for a year now that you and Todd have been stealing motor cycles out of ware houses, from three different counties, in which one is Hunt County. And we know that you have been selling the cycles to a--", Bruce paused as he flipped through some papers on the desk. "A Mr. Donald Hilton in Dallas County", he read from a piece of paper, and looked at David.

"Yeah i was doing it", David responded.

"So do you want to tell me everything?", Bruce asked.

"Yeah i will", and David poured out his heart, and confessed to every wrong doing that he had done in his young life.

"There is the guy name Steve Nelson, and he owed me three hundred dollars for some meth that i gave him on credit. So i went over to his house, you know, to collect my money, because he had been owing me for about four months now", David explained to him.

"But Steve was not there, but his car was there. So i stole his car, and took it to a field, and stripped off all the good parts off it, and turned the car on it's side, and caught it on fire", David said.

"Well you don't have to worry about being charged with that. Steve was found guilty by a jury, and given ten years for Insurance Fraud", Bruce said to him.
Tuesday October 10, 1989 1:24 p.m.

Greenville, Texas

John walked over to the bars of the day room of the tank, to look out side, and see what Katrina was up to.

And he could see that she was standing over in front of E-tank, because she had found her a good trick.

When the women had came to the recreation yard, and Katrina saw him, she struck up a conversation with him. So he started writing her through the mail, and there relationship went from friendship to romance.

And when his wonderful mother had visited him, Katrina was also there in the visitation room, and they sat beside one another, and were kissing each other.

But when Katrina Franks saw that John wasn't going to throw his money at her to maintain her attention, she abandoned ship with out even given him a Dear John letter. This was second time now that she had went to the other guy, and discovered easier prey. Well now that i know what kind of person she is, John considered it to be for the good.

"She sees that you aint no sucker", a black man said to him.

"So you know how Katrina is?", John asked.

"Yeah i do. And she likes to do meth, and she gotten real skinny out there on the streets, but now that she is in here eating, she is picking up some weight, and looking better", he said.

John had to admit that she was a good looking blond, but he didn't know that she was a drug user. She didn't mention that in her letters.

"What are you in jail for?", John asked him.

"They got me for selling dope. And when i was in the hold over cell,
i had Fred & Mickey come and tell me, that if i will sell dope for them that they will dismiss the charges against me", he said.

"Why come you didn't accept the offer?", John inquired.

"Because i think they are trying to set me up, to get caught by the fed's", was his answer.

"This is the second man to tell me this story. I didn't believe the first man, but now i am starting to wonder", John thought to himself.

Tuesday October 17, 1989 10:49 a.m.

Random House Webster's Unabridged Dictionary defines destiny as:

Something that is to happen or has happened to a particular person or thing; lot or fortune.

The predetermined, usually inevitable or irresistible, course of events: the power or agency that determines the course of events.

In the Hunt county, Greenville, Texas jail is six tanks, which are A to F, and destiny made a move for two people to meet by having a man placed in A tank, but that he was also placed in a room across from the other person.

John notified the jailer in the pickett to open his cell door, and it was buzzed poen. He slid the door open, and as he looked out straight ahead in front of him was a cell, and he saw in the cell across from him a new caucasian man, and the guy looked like he listened to rock-n-roll, because he had shoulder length hair.

"Hey what's your name?", John asked he stopped at the cell door.

"My name is David Wilson", David answered as he looked at John.

"You just got here, didn't you?", John inquired.
"Yes. I just got here last night from Dallas, and I had to go down there because I had charges pending there as well", he answered.

"How did you get a room so fast?", John asked with curiosity.

"The guy it belonged to, I gave him five dollars for the room", he responded.

"Do you like rock 'n' roll?", John asked.

"Yeah", was the reply.

"Do you like that Guns & Roses song, 'Sweet Child of Mine'?", John asked.

"Yeah I do. But I like 'Welcome to the Jungle' even more", he said.

"Yeah. It's a good song also", John replied.

"Well I got locked up for Burglary. Me and my friend Todd were breaking into warehouses, and stealing dirt bike motor cycles before they hit the show room floor. So when I talked to Detective Hudson, I confessed to everything that I have ever done", David said.

John thought that was a strange thing to do, but that was his choice.

"So this dude named Steve Nelson owed me some money for some math that I gave to him on credit. And he had been owing me for about four months. So me and Todd went over to Steve's house to collect my money, but he wasn't there, but his car was. Steve was in jail for traffic violation tickets, and I heard that the cops don't like him", David said.

"So we took his car to a field, and stripped all the good parts off it, and caught it on fire. So Detective Hudson told me that I will not have to worry about being charged with that, because Steven was given ten years in prison by a jury for Insurance Fraud. They told the jury that Steve had called one of his friends on the phone, and had them go and torch his car, so that he could collect the insurance money, and use to get out of jail. I found this out from a tryst", David said.
John was in shock at what he had just heard from David. "It was good meeting you dude, and I will talk to you later. I need to do some thinking for a little while", John said.

"Ok. I will talk to you later, and it was good meeting you as well", David responded.

John returned to his cell, and closed the door to not be disturbed by any one. John laid down on his comfort mattress, as his thoughts were running a hundred miles an hour. And he was thinking about everything that he had learned since he had stepped into the Twilight Zone. "What evidence did they have to convict him of Insurance Fraud?", John asked himself.

The only thing that he could think of, was that the D.A. had to have someone give perjured testimony to the jury. So if they will be corrupt to convict a man for Insurance fraud that he is innocent of. Just then John had a fear that the D.A. would pay someone at the crime lab to say that the items had tested positive, and if he did that, then how could I convince a jury that I am innocent. Because as soon as I step into the court room, the jury would have daggers in their eyes for me, but for the D.A. they will have stars in their eyes for him, and I want have a snow ball chance in hell of convincing a jury that I am innocent. So I need to go to jury trial before the D.A. can get back his boggles lab results.

"So I will tell Peter that I want a jury trial right now", John said to himself.

And this county is sending innocent people to prison, and they are recruiting drug dealers that are arrested to be narcotic dealers for them.

"Boy am I in serious trouble, and I have no one to help me", for the first time in his life, John felt very alone, and defeated.
Thursday December 7, 1989 9:15 a.m.
Greenville, Texas

For some unknown reason to John, who ever had built the 354th Judicial
Court didn’t take into account that you may need some holding cells, so as to
have a place to hold the defendants until the judge was ready for them. So
instead all of the defendants will go and sit in the jury box.

But then again maybe this was done with an ironic twist of subconscious
guilt, so that the defendants could sit in judgment against the corrupt
judges, D.A.’s, and police officers in order to judge them, and judge
whether or not their unethical, and corrupt acts were justified.

The defense of the judicial individuals would be short and brilliant.

They would argue that their corruption is justified, because it is not
their fault that the citizens of Hunt county are gullible and naive, who had
weird notations in their mind, that their judicial officers is a virtous and
honest, and that they would never do anything that is dishonest. All of the
citizens of Hunt county were given a public education, and in history they
all learned that power corrupts men, and yet, the citizens by some unknown
strange reason seem to think that the judicial officers are immune from the
seed of corruption being planted in their heart, and producing a large crop
of misery and suffering in the lifes of innocent people, and in the lifes of
their families.

And that when we take a man or woman to a jury trial, and we tell our
lies, it is not our fault that the jury is gullible enough to believe our
lies.

And then some of the jurors are a part of the conspiracy, because we pay
them off to give us a guilty verdict. So as they say in the ghetto, ”Don’t
hate the player, hate the game". That's right, we played you people by taking advantage of and capitalizing on your naiveness, and we played you like a fine tuned violin. And you liked it, you liked it ".

The jury was still out.

John sat there in the jury box with about six other inmates, and John sat there with curiosity to see what the different people were charged with, wondering whether they were guilty or innocent?

John could see Peter signaling to him to come where he is, so John got up and walked across the court room.

"Do you still want to wait for the lab testing to come back, or do you want to go to trial?", Peter inquired.

"I want to go to jury trial right now", John said.

Peter was surprised at this response.

"You want to prove that you are innocent, don't you? So why not wait for the lab test to come back?", Peter asked.

"I want to go to jury trial right now", John responded. John didn't trust Peter at all what so ever, so he wasn't about to tell Peter what he had learned from David.

Peter informed the judge that John wanted to go to jury trial, and Duncan objected, saying that he needed to wait for the lab reports to come back. So the judge gave the D.A. thirty more days, and ruled that all three criminal charges would be tried together.

"When we go to trial i want to call the people from my church, so that they can testify that i had short hair, that is dark brown, and straight all over", John said to Peter after Judge Banner made his decision.

"I talked to everyone, and no one can remember you having short hair", 
Peter said lying to his client.

Instantly John knew that he was lying to him. John was at church every Sunday, and with all the church members knowing his sister very well, John stood out a little among every one else.

And one day Maryann and John did a little skit that was her idea. But John was acting like he was a demon, and that he wouldn’t leave her alone. But as soon as she commanded the demon to leave in the name of Yahshua, John was gone in a New York minute.

But also Maryann had told John that Tina Luke liked him, but John wasn’t interested in dating another christian lady. John was living in Red Oak, Texas, and at church he met Princess Dana Norie, and they were dating one another. But the assistant Preacher Lisa didn’t like John for some reason, and she persuaded Dana’s mother to make Dana break up with John. That incident there had scarred him psychologically.

One day Tina came over to Maryann’s house with a friend of hers, and they all went to Braums to purchase an ice cream cone.

And Tina was driving her truck, while she was trying to eat a melting ice cream, and so she swerved and bumped into the street curb, but without damaging anything or hurting any one, because she wasn’t driving very fast any way. And we were not far from the house, so Maryann and Stacey perceived that it would be safer to walk, so they abandoned the truck and utilized foot power to get home. So John decided to assist Tina out, and he held onto her melting ice cream cone, while she drove the truck to the house. And it was a stick shift.

"Tina says that you are ignoring her", Maryann said accusingly.

"No, i am not really ignoring her", John responded.

He was just trying to avoid any land mines, and Tina’s mother was the
Pastor of his church, and John didn't think that Janice would approve of her daughter dating an ex-felon. That was a land mine there, and I am not going to step on it.

But it was time to do some Detective work. When he returned back to A-tank, he went straight to the telephone, and punched in the phone number.

"Will you accept a collect call from John Banos?", the operator asked.

"Yes I will", said Tina.

"Hello there, how are you doing?", John asked.

"Hello yourself. I am doing fine, and how are you doing?", she asked.

"Well I am doing alright. I am still waiting on the lab results to come back, so that I can show that I am innocent, but it hasn't come back yet, and I don't know why it is taking so long to get it back", John said with a little bit of frustration showing.

He decided not to tell her the corruption evidence that he acquired, because she would have a hard time believing it.

"Well hopefully you will hear something soon", she responded.

"I hope so to. Do you remember me having a military-short hair style?", John inquired.

"Of course I do", she responded quickly.

They made some more small talk, and John was tempted to tell her about his experience with Dana Norie & assistant Preacher Lisa, but he decided to not speak of it.

John hanged up the phone after speaking with Tina, and he returned to his cell, and sat down on his comfort mattress, and was thinking what could he do to fight against a corrupt D.A., and a turn coat lawyer.

"I know what I will do", John said to himself.
Friday December 22, 1989 10:54 a.m.

Greenville, Texas

"No, I want him to be tried right here in Hunt County", Bruce said to Duncan.

"Look, we have enough evidence to have Tony Rosenberg convicted of embezzlement, so we don’t have to worry about him", Duncan said.

"You said that he would be tried here, so why are you now changing your mind?", Bruce asked with frustration.

"Because I need to get rid of Judge Paul Banner, and we grant his request for a venue change, and the trial goes to Dallas, and that means that Judge Banner goes to Dallas to be over the trial", Duncan explained.

"Why is Banner such a problem now?", Bruce inquired.

Duncan walked over to his desk, and grabbed some paper from off the top of his desk.

"Here, read this letter that John Banos wrote to the judge. Judge Banner gave it to me this morning, and he told me that he would scrutinize our evidence at John’s trial", Duncan said.

So Bruce read the letter that John wrote to Judge Banner.

"Dam it", Bruce said angrily.

"And by granting Tony’s request for a change of venue will be the only way that we can get rid of Judge Banner", Duncan said.

"Well what about the judge that Banner will trade benches with. What if Banner tells him about John’s letter, what then?", Bruce asked.

"I have already thought about that. We will have that judge take over Judge Richard Bosworth’s court room, and we will have Judge Bosworth take over Judge Banner’s court room, and we will get a guilty verdict", Duncan said.
"What has Michael done for us on the lab issue?", Bruce asked.

"He said that he took two pieces of cotton cloth, and he took the tubes of blood that was taken from Susan, and he poured the blood on the pieces of cloth, and some on a cutting from her panties. He then labeled one of the cloths as Susan's, and the other cloth as John's, and has sent them to the F.B.I. Crime Lab in Washington", Duncan responded.

"Well that sounds like a good idea there", Bruce said. "Also it seems that Peter didn't play his cards right with John, and he has lost control of him. Now John is pushing for a jury trial, and now he has written this letter to Judge Banner. What do you think happened?", Bruce asked.

"I don't know what has prompted him to take these actions. My snitches can't find out nothing from John, because he is heery of everyone around him", Duncan responded.

"But think about it. We have enough evidence to convict Tony, and our witnesses will do their part. And even though we want have any jurors working for us, i still believe that we will get a conviction", Duncan said with confidence.

"Alright, let's do it. That stinking Jew will not get away from us", Bruce said with a sinister smile on his face.

Wednesday December 27, 1989 10:34 a.m.

Greenville, Texas

"I can't believe that you sent that letter to Judge Paul Banner, that was very stupid", Peter said angrily.

"I had to do it", John responded.

"Well Judge Banner has given the letter to the D.A., and now he knows our defense that we will use at jury trial", Peter said with great
exaggeration, and he was upset at John, because this showed Duncan that Peter couldn't control him, and Peter was wanting to earn a bonus on this conviction.

"I have spoken with Kathy Sutton, and she told me that you raped her, but I didn't believe her", Peter said.

"She said that crap?", John asked angrily. Peter saw how that information had made John mad, so he decided he would strike back and ruffle his feathers a little.

"And they are saying that you also tried to rape Heather", Peter said lying.

He could see it did hit home, and strike a nerve, as John became more ruddy in the face.

John saw a smirk appear briefly on Peter's face, and right then John concluded that Peter was making that up about Heather to get back at him for writing that letter to Judge Banner.

Peter then left, and John returned to his cell, and he wrote a letter with colorful language in it to Mrs. Kathy Sutton about her cheating on her husband, and being a foul liar.

"John, you shouldn't have written that letter to Kathy", Maryann said to him at visitation one day shortly there after.

"She should have never told that lie", John responded.

Thursday January 25, 1990 9:16 a.m.

Greenville, Texas

"Mr. Duncan we have waited now six months for those lab reports to come back, and they haven't. I am therefore granting the defendants request for a jury trial. Voir Dire is scheduled for February 5, 1990 at
10:00 a.m. All pre-trial motions will be heard on January 30, 1990 at 9:30 a.m.", Judge Banner said banging his gavel.

John sighed with relief at the announcement. And John was able to discern that Judge Banner was a good judge, and so at jury trial it would be the judge and John against Duncan and Peter. The odds were even now, and John felt a glimmer of hope now.

Monday January 29, 1989 2:13 p.m.

Greenville, Texas

John was called from out of A-tank, and he was informed that his lawyer wanted to see him.

"I have drafted up this pre-trial stipulation agreement, and Duncan has agreed to it, and he has signed it. I have signed it as well. So read it, and if you agree to it, then sign it", Peter said.

So John started reading the stipulation;

1. We have therefore all agree that the victim Susan Leigh Shuttlesworth will not be required to give her testimony in detail, because she might become upset and start crying;

2. We here therefore all agree that during the jury trial, that no one can mention anything about the lab reports that still haven’t come back yet from the crime lab; and

3. We therefore all agree that these crimes did in fact take place, but that the victim has mistakenly identified John Benos as the suspect.

John finished reading it, and he was surprised to see that the D.A. was willing to admit in a legal document that he knows that i am innocent of the crime, and that i was mistakenly identified as the suspect.

John didn’t know what pre-trial stipulation meant, but he guessed it was
just some kind of legal jargon. "So this means that the D.A. will have all charges dismissed against me at trial", John thought to himself, as he grabbed the pen, and put his John Hancock on the straight blank line.

Tuesday February 5, 1990 9:07 a.m.

Greenville, Texas

Under law Voir Dire is defined as meaning 'to speak the truth. A preliminary examination of a prospective juror by a judge or lawyer to decide if the prospect is qualified and suitable to serve on a jury'.

John walked into the 354th Judicial kangaroo court of the Lone Star State of Hunt County, and to his left on the other side of the room he saw about fifty or so civilians sitting in the benches over there. He saw to his right that his attorney was sitting at the defendants table, so John walked over to him, and looked towards the bench, and he saw a different judge sitting there.

"What happened to Judge Banner?", John inquired.

"Another defendant was granted a change of venue in his case, and his trial was moved to Dallas", Peter responded.

"Drats. Now the odds are definately stacked up against me. It's me against the whole judicial kangaroo army", John thought to himself.

"The case number is--there are three of them: 15,538, 15,539, 15,540. Are those docket numbers correct?", Judge Bosworth asked.

"That's correct", Duncan said.

"Each styled State V. John Wesley Banos. And the state is present and represented by the District Attorney Mr. Duncan Thomas; Mr. Peter Chamberlin is the court appointed attorney for the defendant John Wesley Banos, who is present. Is that correct?", the judge asked.

"Yes", Peter said.
"You all have some things for the record, counsel?", the judge asked.

"Right", Duncan said.

"Your Honor, could Mr. Banos be allowed to come around so he could hear better?", Peter asked.

"Come on up", the judge said, and John got up from the table and walked over to the bench.

"Who's going to take the lead in the stipulations?", the judge asked.

"Judge, the state and the counsel for the defendant and the defendant--".

"Just a moment. Do we have any prospective jurors in the room?", the judge asked interrupting Duncan.

"Yes i am", Mrs. Shank responded.

"Would you give us about five minutes Mrs. Shank. We're going to have a couple of things here that need to be outside the jurors presence. Thank you very much", he said.

So all the prospective jurors left out of the court room.

"Go ahead counsel", the judge said.

"Your Honor, in the cause numbers called before the court--15,538, 15, 539, 15,540--all sides at this time are going to submit a document that's entitled "Agreement and Stipulation of Evidence that Offenses Were Committed". It's the position of the state and the defendant that the three offenses alleged--aggravated kidnapping, aggravated sexual assault, and unauthorized use of a motor vehicle--were committed; that these offenses occurred against the victim, Susan Shuttlesworth. However the defendant's position is that he's not the one that did it. Counsel for the defendant had an opportunity at a prior proceeding at a parole hearing to cross-examine the victim, Susan Shuttlesworth, and did have an opportunity at that
time to attempt to cross-examine her and go into the facts and the situations of her ordeal.

And basically your Honor, both sides are agreeing that the offenses occurred; however, the defendant is maintaining, and it's set out in writing in the stipulation, that although he admits the offenses occurred he denies that he's the one that did it.

Which would bring the case down to a matter of--the sole issue remaining is identification, whether or not the state can prove that this of particular defendant committed these offenses", Duncan said.

"That's correct", Peter said.

"Is that correct Mr. Banos. We talked about this Saturday?", Peter asked.

"Hold up your hand. I'm not going to ask you whether--the questions i'm going to ask you have to do with whether you agree with this", the judge said. So John was sworn in, and took the witness stand.

"Mr. Banos, you remember we talked about this stipulation, and we talked about this back after the other hearing?", Peter asked.

"Yes", John answered.

"And you understand what we're doing in terms of strategy and tactics here, we're cutting it right down to the real meat issue, which is "I didn't do it, since i didn't do it"--of course, you weren't there when the rape happened. You were in the area, you've already admitted that to the judge, but you didn't--you didn't see the crime; you didn't do it, meaning you didn't--you didn't physically do it, you didn't aid or encourage anybody else to do it.

But you're admitting that if she wound up out there by the side of the road without her car and she says "I was raped", we don't say she wasn't
"Raped because we weren't there?", Peter stated with a question.

"Yes", said John.

"Judge, I didn't hear a response from Mr. Banos", Duncan said.

"Yes", John said louder this time.

"You signed this the other night for me. You are now reaffirming this in open court?", Peter asked.

"Your Honor, could I ask Mr. Banos--", Duncan started to ask, and said this before John could answer the question.

"Yes", the judge said interrupting Duncan.

"Your Honor, would the record reflect that although the document of stipulation was signed previously by Mr. Banos that he's just now placed his signature on the stipulation, a place that says "John Wesley Banos, defendant, in person in open court". Could I ask him a few questions about this?", Duncan asked.

"About the mechanics of this, not about the merits of the offense?", Peter's question went unanswered.

"Mr. Banos, you have--that's your signature there that you signed this?", Duncan asked.

"Yes sir", John said.

"You signed it previously?", Duncan asked.

"Yes sir", he replied.

"And do you understand--i believe you said you've gone over this with your attorney?", Duncan asked.

"Yes", John said.

"And you understand that if you did not enter this stipulation that you could force Susan Shuttlesworth, the victim, to describe in detail
everything that happened to her that night. You understand that?", Duncan asked.

"Yes", John said.

"And in other words, she would have to go through every detail?", he asked.

"Yes", was the answer.

"Now, is it your position and your attorney's position that you believe it would be advantageous or in your benefit not for her to do that?", he asked.

"Yes".

"All right. And you're signing this today because that's what you want to do?", he asked.

"Yes".

"Let me look at the stipulation that ya'll are going to ask the court to approve. And the purpose of this, I would imagine, is to make certain evidence irrelevant?", the judge asked.

"Right", Duncan answered.

"Just so it will be crystal clear, now, give me an example of the type of the evidence that you will object to?", the judge asked.

"Well judge, I'll be happy—I think—the state, I think, gives up something in this instance too. Particularly in an instance where the specific details of the crime—and about the best example I can think of is when the victim would have to say that the defendant, no way around it, had intercourse with her or that his penis penetrated her vagina, that type of testimony would not be allowed because it's been stipulated to that it occurred.

The only—her ordeal, judge, which we're alleging took about three hours, the only way we can get into the details of the actual intercourse
would be if it relates somehow to identification of this particular defendant", Duncan said.

"Well, let me--I just want to make sure we have an agreement here and don't end up in an argument in mid trial about what the agreement was", the judge said.

"Well judge, there could be a argument as to what portion relates to identification. I think the total time, I think possibly where she alleged to have been driven around, that might be relevant. But there could be a dispute judge, as to what's relevant to identification", Duncan said.

"You're going to have her on the stand?", the judge asked.

"Yes sir. I have to bring her--".

"She's going to testify that she was kidnapped by somebody?", the judge asked interrupting Duncan.

"Yes sir", Duncan answered.

"Held for three hours?"

"Right", Duncan said.

"And was sexually assaulted?"

"Yes sir".

"And then she's going to say he did it?"

"That's correct".

"And what you want is to keep the details out. Is that right?"

"Right. That's essentially the situation", Peter commented.

"Judge--".

"It's sort of a judgment factor here as to when does a broad brush become details, right?", the judge asked interrupting Duncan.

"All the horrifying details of the penetration and all of that stuff"
frankly it's not in issue because obviously there's nobody on our side who

   can get up and say she wasn't raped because the parties say--you know, the

if she's at point X and my client does not say "I was at point X", all of

   that drops out", Peter said.

   "But the district attorney is going to lead her sequentially,

   chronologically through her ordeal, he's just going to shorten it. Is that

   correct?", the judge asked.

   "That's correct judge. And I think--I think the defense counsel believes,

   and I tend to agree with him, that it might prejudice this defendant for her

   to have to say in explicit details exactly the acts that were done to her. I

   think that will happen if that--when I get to that point in direct she can

   say "I was sexually assaulted" and we move on", Duncan said.

   "Broad brush versus--".

   "Right", Peter said interrupting the judge.

   "Gory details?", the judge finished his question.

   "Right. We'll be dealing with movements, obviously, because these bear

   on identification. We've had more opportunity--".

   "Let me ask you this. I didn't want to cut you short, but before I

   forget it. Is this stipulation, is it as to guilt or innocence only or is

this--the one who sentences, is this evidence--", the judge was interrupted.

   "Well judge, the sentencing would go to the court, it's any understanding",

Duncan said interrupting the judge.

   "We're going to the court for sentencing", Peter said.

   "But, your honor if--".

   "The court would have no more details that what's in the stipulation?", the

judge asked interrupting Duncan.

   "No sir. I believe on punishment before the court the entire--I would
hope if we got to that point we could put an affidavit in judge. But--"
"So the stipulation is to the first prong of the trial?", the judge asked.
"Right. I'm going to stipulate also to the medical records, they're covered in the stipulation. There's obviously no need to have life testimony that "my name is Dr. X and I went to such and such medical school and this is consistent with rape". I've seen the reports, that's all they say. The lab material is not available, so nobody's going to refer to that under a prior ruling by Judge Banner", Peter said.
"That's for the second part?", the judge asked.
"Well judge, this is for guilt or innocence. There's already a motion in limine that's been granted that there were testing done for which we've never received any results and so neither side can comment the fact that there was even testing done. That was a ruling by--other than the fact that she went to the hospital and there was a rape examination done. But as to any testing that took place in the lab judge, neither side is allowed to go into that based on a prior ruling", Duncan said.
"I think you all have a pretty good idea, then, about the evidence that--"
"Right. I have--", Peter was trying to say something.
"Do you want to mark that as a joint no. 1 or something?", the judge asked.
"That would be fine judge", Duncan said.
"For the record, not for the jury?", the judge asked.
"Judge the stipulation that both sides have been discussing and testifying about has now been marked state's and defendant's exhibit no.1", Duncan said.
"All right. Is this being of offered? Is that jointly offered counsel?", the judge asked.
"Right", Peter said.

"All right. That is admitted for the record only. I'm going to put that on here", the judge said.

"All right. Now--", the judge was interrupted.

"Other matters we're trying to keep out, and one that's a challenge--"

"Let me address that later. Now, here's where you are. Number one case is Waller, they're talking. Number two case is Smith, they're talking. We'll be picking your jury today. Now, how big a panel are you going to need? Are you going to need more than ordinary this time?", the judge asked.

"We might judge, there was a lot of media coverage", Duncan said.

"There was a lot of media coverage", Peter also said.

"How big a panel do you think would be safe?", the judge asked.

"I don't really know judge. It happened a long time ago, be a lot of people--I think it may only affect people from Commerce judge", Duncan said.

"Commerce and Greenville papers carried this in great detail", Peter said.

"How many extra. Ten?", the judge asked.

"Ten might do it", Peter said.

"Do you think fifty would be enough?", the judge asked.

"Yes", Duncan said.

"All right. Let's have a panel of fifty. Now, what I propose to do today morning before lunch is to get the panel seated and give you all chance to eyeball them to see whether you want a shuffle or not. And then what I'm going to do is recess them, tell them to be back about 12:15 or 12:30 while you all--"

Whereupon an off the record discussion was had.

"All right. 1:15. That's what we'll plan on doing", the judge said and
everyone went on a break.

John sat down at the defendants table, and he was trying to understand what was going on. When he had signed the stipulation, he was under the impression that the charges would be dismissed against him. And now the judge was talking about picking a jury.

"But the D.A. acknowledges that I was mistakenly identified as the suspect, so why is he now wanting to go to jury trial to have him found guilty?", John asked himself.

The judge returned and went and sat down on the chair behind the bench, and Thomas was at his table. And Peter was at the defense table.

"If you can hear me all right at the rear, would somebody raise your hand please? All right. Fine. I'm going to stand because the out loud speaker system is cooperative this morning.

Let me introduce myself. My name is Bosworth, Richard Bosworth. I'm one of the two district judges here in Hunt County, Judge Paul Banner being the other district judge. Judge Banner is filling in, in Dallas this morning for a judge that had to be excused from a case, and that judge in Dallas who had to be excused from a case is filling in for Judge Banner over here this morning, his name is Judge Gaither, and at least twelve of you will be a jury hearing a case in his court this morning", the judge said.

The judge went on giving them more information, and informed them that they wouldn't have to worry about parking tickets. And he told them about a form they could fill out, so as to show their employer that they were at court that morning for jury selection.

Then he had prospective jurors sworn in by the bailiff. The judge then explained to them what a jury was, and how a jury operated.

He then explained to them the exemptions that were available for a
person to utilize so as to avoid jury duty.

"Ms. Prince, you're going to need how long to get your panels organized?", the judge asked the clerk.

"About fifteen minutes", she answered.

"Fifteen minutes", he said.

"I'm going to give you a thirty minute recess at this time while Ms. Prince gets the panels organized. If you'll look at this clock up here, it shows almost 10:15, it's about 10:13. I will ask you to be back at 10:45", the judge said to her.

He then gave some more instructions, and started speaking with the people who were claiming an exemption.

Once that was done, the voir dire started, and the judge explained to the prospective jurors about the cases they would hear about at trial, and gave them some jury related instructions.

"All right. Mr. Thomas, are you ready to do the state's voir dire?", the judge asked.

"Yes your honor. Ladies and gentlemen, as the judge has told you, my name is Duncan Thomas, and I'm the district attorney here for Hunt County.

And my job is to prosecute felony criminal offenses that occur in our county. Now the reason that I get to talk to you, and the judge has touched this, is to try to determine whether or not you could be fair in this particular case", Duncan said.

He then went on with his presentation to the prospective jurors, and he went on for a while, and then he was finished.

"All right. Ladies and gentlemen, now all of you have been sitting for at least an hour and fifteen minutes and some of you probably an hour and a half. So I'm going to give you stretch break time and ask you to be
back at 2:30, and then we'll do the defendants voir dire. So if you
want to stay seated, you can do what you want to; but if you want to walk
around you can. Be back at 2:30. Remember not to talk about the case", the
judge said.

Everybody was back in time for the next phase of the kangaroo court.

"Ladies and gentlemen, my name is Peter Chamberlin. And those of you in
the back, if you can't hear me raise your hand, because I'm some what loosing
my voice.

I am the defense counsel in this case. It is my job, among others, to
test the state's evidence through cross-examination of the state's
witnesses. We may or may not have the defendant testify. It is very likely
that we may not", Peter said as he continued on with his presentation.

Peter had advised John not to testify at trial, and he was immature on
judicial criminal strategy. But what caused him to think that it might be
wise not to, is that with how corrupt the D.A. and police are, they might
have come up with some kind of gimmick to make John look bad, and his
lying lawyer would toss him under the prison bus for the D.A., and John
would be in dire straits then.

Peter was asking some prospective jurors questions to determine whether
or not they could be fair in making a decision.

John was marking off people who were not paying attention to what was
being said, and he saw that one man had his eyes closed, so John marked
off his name on his list.

There was a female prospective juror that wanted to tell the court
something, and she was next to speak.

"Ms. Crodle I guess is next. Hi, have a seat Ms. Crodle. And by our
listing you are juror 23", the judge said.

"All right. Oh, good", she said.

"And did you hold up your hand--".

"I did", she said.

"About wanting to talk to us about something?", the judge asked.

"I did", she answered.

"Wasn't that in response to a question they asked?", the judge asked.

"No", she said.

"All right. What--".

"He said if there was anything bothering us", she said.

"Just tell us what it is", the judge said.

"I have a 16 year old son that could be this boy's twin. He looks so much like him, and every time i look at this boy i see my son. And i don't know if could be--I have a picture of him. He's even got a little mustache like that. But it's uncanny. And i don't know if i could be impartial. I'd find myself thinking "there's no way"--you know", she said.

"Thank you for being honest", the judge said.

"What you've just said, Ms. Grodle, is that you look at the defendant and see your son. Do you feel like that would kind of overwhelm you as far as trying to reach a decision rather than based on the evidence you'd think of your own son sitting there?", Duncan asked.

"I'm afraid i would. I've done it all day. I've tried to put it away from me all day, but--i don't know this young man, i have never seen him before. But when i walked in this morning and he was sitting there, i did a double take. And i just--it's upset me all day", she said looking distressed.

"I appreciate you for--".
"Any questions Mr. Chamberlin--".

"I have a couple", Peter said.

"Having to do with her qualifications as a juror?", the judge asked.

"Nothing about the case itself, just him", Ms. Crodle said.

"First question. Aren't you kin to the court coordinator here?", Peter asked her.

"Brenda?", she asked.

"Yeah", Peter said.

"She's my husband's cousin", she responded.

"Anything about that would give you a problem?", Peter asked.

"No", she responded.

"Would this affect you in terms of judging an eyewitness identification of this defendant?", Peter asked.

"As far as who he is, you mean, saying that he is--i don't think so. I mean, i have no problem that he's who he says he is. But it's just emotional feeling. You know", she responded.

"In terms of judging a victim saying i'm identifying this one as the one that did it--".

"Judge i'm going to object to this question. It's not relevant to the issue before the court now. I mean what she would or would not do--".

"The oath that you're going to have to take is that you can set aside all past experiences and who you know and so forth and decide the case based on the evidence that you hear and the law that comes from the court. There's no right or wrong answer, just tell us whether you can be a fair juror?", the judge asked.

"I honestly don't know. The feelings are strong, and i don't--".

"Mr. Chamberlin?", the judge said.
"No further questions", Peter said.

"All right. Fine. Go take your recess", the judge said.

"Okay. Thank you", she said.

"I believe that's all", the judge said.

"Judge the state would move that Ms. Crodle be struck for cause. She said that the resemblance made her upset all day, and she really never gave a--

when the court finally asked her could she be fair--in response to my question judge. She said she didn't think she would be fair. In response to the court's question she said, "I don't know whether I could or not", Duncan said.

"Mr. Chamberlin?", the judge asked.

No audible response from Mr. Chamberlin.

"I'll give you an opportunity to respond, but she did not give the assurance that I need to have", the judge said.

"I think you could strike her. I would love to have her of course, but--".

"I'll grant the state's motion. I show two strikes--".

"Harberson I would move that we would strike, he's too close to this thing. We all know this is a very small world over there. I'm sure his answers are sincere, but I'm sure left with a such a distinct--".

"You want to go on the record with a response?", the judge asked.

"Judge I just have to go by the answers that he gave. If Mr. Chamberlin doesn't believe his answers, he can certainly strike him judge. But he said it would not affect him", Duncan said.

"His answers don't give me a grounds for striking him Mr. Chamberlin. I'll overrule your motion. We've got twelve jurors, ten strikes a piece, that would take us through thirty two. I struck two for cause and that would take us
through thirty four, would it not?", the judge asked.

"Yes your honor", Duncan answered.

"All right. Is there anybody--"

"Excuse me judge. It's going to be thirty five because we've got a blank", Duncan said.

"You're right. Thank you. That takes us through Karen Green, is there anybody out there that wants to talk to us? That's the question", the judge said.

"Is there anybody out there that's either from twenty five through thirty five? All right. Would you all get your strikes as quick as you can?", the judge stated with a question.

Both sides went through their strikes, and then handed them to the clerk, and then when she had completed her part, she called out the names of the jurors that had been stricken from jury selection.

And those people were told to leave. And they did, and the twelve jurors that were left was given the jury instructions from the judge,

He then dismissed them for the day, and instructed them to be back in the morning at 9:00 a.m., and John was returned to the jail.

Tuesday February 5, 1989 8:17 p.m.

Greenville, Texas

"Hello there, this is Robert Boles. How can i help you?", Robert asked.

"This is Duncan calling you. I was able to get you on this trial with no problem, so you are good to go, and you have nothing to worry about", Duncan said.

"Well that is good. When we get there tomorrow i will do my best to be selected as the jury foreman. And i believe that i have two people who will
"Work with me to get a conviction", he said with confidence.

"Well you have done it before, so you know what you are doing. And I will pay you a bonus for this", Duncan said.

"Alright that sounds good. I will do my part. Good night", Robert said.

"Good night to you as well", Duncan said as he hanged up his phone.

Duncan was confident that he would get Robert assigned to jury duty. He knew that Peter wouldn't request for a jury shuffle, since he has zero jury trial experience.

"I will get a guilty verdict", Duncan said to himself.
VI

DISTRICT ATTORNEY'S FIRST RULE

Wednesday February 6, 1990 8:56 a.m.
Greenville, Texas

PEOPLE ARE STUPID

Given proper MOTIVATION, almost anyone will believe almost anything. Because people are stupid, they will believe a lie because they want to believe it's true, or because they are afraid it might be true. Peoples head's are full of knowledge, facts, and beliefs, and most of it IS FALSE, yet they think it all true. People are stupid:they can rarely tell the DIFFERENCE BETWEEN A LIE AND THE TRUTH, and they are confident they can, and so are all the EASIER TO FOOL.

An excerpt from
Wizards First Rule
by Terry Goodkind

If you tell a lie long enough, it becomes the truth.

Joseph Goebbels, Minister of Propaganda, Germany 1933.
Chapter six

All across the fruited plains here in the United States, if you just randomly pick any state, and pick a city. And then you do a on the street interview of average non judicial citizens, and you ask, "Do you think that a district attorney would intentionally send an innocent person to prison?", every single person would all say no. Thus the art of deception is very successful, and the judicial officers are very successful in carrying out their sinister agenda across America. But mixed into this group is your honest and virtuous judicial officers, and they act as a camouflage for the Duncan kind who are enemies of justice.

The jury was given some more instructions, and then the indictments were read to the jury, and John plead not guilty to every charge.

"Are you ready to make your opening statement Mr. Thomas?", the judge asked.

"Yes your honor. Ladies and gentleman, we talked about yesterday that you would have to take an oath to follow the law, and you just took that oath this morning. Then the judge had me read the indictments, and that's what the state must prove in this particular case. Now, as we told you yesterday, there will be a stipulation that will be put into evidence and read to you in which this defendant and the state stipulate or agree that Susan Shattlesworth on the night of the 24th of June, and her car taken. She was kidnapped, and she was sexually assaulted. All right.

The defendant of course by his plea, has said that although this might have happened, I didn't do it. Ladies and gentlemen, the state will prove and the evidence will show that this defendant is the man that attacked Susan Shattlesworth on that night, and the evidence will show that on the 24th day of June, 1989, last summer—that's going to be a Saturday
evening—that Susan Shuttlesworth went to a place called Little Bit of Country there in downtown Commerce, and her boyfriend worked there, and she was waiting there until her boyfriend got off work.

The evidence will show that Susan became ill, that she went out to her car and laid down in her car. The evidence will show that her boyfriend checked on her, that she was out there, and the evidence will show that she awoke when this defendant entered her car, started it up and drove off with her in the car. A man named, a man, a young man named Thomas Sutton who was with this defendant that night, either entered the car at that time or at the bank down, one of the banks there just a block from downtown, that Thomas Sutton entered the car.

At that time, the evidence will show that the defendant drove around for a while and that Thomas Sutton got out of the vehicle, and the evidence will show and Susan will tell you how she was driven around the county, came down toward the interstate here, went back up 118, ended up in Hopkins County off Highway 11, the highway from Commerce to Sulphur Springs. Susan Shuttlesworth will tell you how she was driven around this county and how she was sexually assaulted three different times.

The evidence will show and Thomas Sutton will tell you that this defendant came to his house the next day, and he told him that he did it.

The evidence will show and Officer Jason White will testify, officer with the Commerce Police Department, that he saw this defendant and Thomas Sutton right before this happened.

Kim Garrett, who was working at the bar that night, will say that two men matching the description of Sutton, Thomas Sutton and this defendant, John Wesley Banos, came to the bar and talked to her immediately before Susan Shuttlesworth was abducted.
Ladies and gentleman, Susan Shuttlesworth will testify, and she will testify how that first she identified this defendant from a photo lineup that Officer Bruce Hudson, Commerce Police, who headed this investigation, showed to her, and she'll also identify and point out this defendant right here in this court room as the man who took her vehicle, who kidnapped her and sexually assaulted her back last June.

The evidence, and the state will prove through the evidence that this defendant is guilty as charged in the indictment", Duncan said as he concluded his opening statement.

"Jurors, the defendant's attorney has an option on opening statement. He may elect to make an opening statement now or reserve it until after the state has presented its case", the judge said.

"Mr. Chamberlin, what is your option?", the judge asked.

"We'll reserve opening statement your honor", Peter said.

"Counsel, will you approach the bench here a moment", the judge said as both Duncan and Peter to the bench to talk to the judge. John was not allowed to hear what was being said.

"They are probably making side bets on how long it will take the jury to vote guilty", John thought to himself.

The witnesses were brought in and sworn in to tell the truth, and then the rule was invoked. And the rule was explained to the witnesses, but Duncan was happy to not invoke the rule, but Peter wanted it invoked.

The rule is that the witnesses can not stay in the court room, so as to hear each others testimony.

"Mr. Thomas, state's first witness", the judge said.

"Your honor, we'll call Bruce Hudson", Duncan said.
"Jurors will remember that this witness was just sworn. You may have a seat. Mr. Thomas your witness", the judge said.

"Yes sir", Duncan said.

The baliff had called for Bruce, and he came in and took the witness stand.

"Mr. Hudson, would you state your name please", Duncan said.

"Bruce Allen Hudson", he said.

"And Bruce how old a man are you?".

"I'm thirty one years old".

"And are you married?".

"Yes sir. I am".

"Where abouts do you live?".

"I live in Campbell, Texas".

"All right. Where did you grow up?".

"I was born in Paris and grew, grew up in Greenville, Texas".

"All right. Did you know Mrs. Shanks?".

"Yes sir".

"Sue?".

"Yes sir. I did".

"She taught you in high school?".

"Yes sir".

"All right. How are you employed now?".

"I'm the criminal investigator for the Hunt County Attorney's Office".

"And how long have you been doing that job?".

"I've been employed by the County Attorney's Office for approximately six months".
"All right. Prior to that, how were you employed?".
"I was the detective sergeant for the Commerce Police Department".
"And what are the duties of detective sergeant?".
"I was to investigate and follow up all criminal offenses turned over to my office by the patrol officers initial reports".
"All right. How long were you employed by the Commerce Police Department?".
"For eight years".
"All right. I'm going to call your attention to June 24th and the 25th, and I'll ask if you were called to work that day, or you were on duty that day?"
"I was at my residence, but I was on call".
"All right. And were you called?"
"Yes sir. I was".
"Would that have been that Sunday morning?"
"Yes sir".
"All right. And not saying what the call was, but what did you do in response to the call, if anything?"
"I immediately got dressed and went to the Commerce Police Department".
"Okay. about what time would that have been?"
"I believe I arrived at the Commerce Police Department about 6:45".
"All right. And I'll ask you if you had an indication at that time to see a person named Susan Shuttlesworth?"
"Yes sir. I did".
"And what did you do in relation to her, if anything?"
"I talked with the patrol officer that initially handled the report. I talked to Ms. Shuttlesworth, and around seven o'clock or so, I took her to the emergency room at Greenville Citizen's Hospital".
"All right. Now was—not saying what was said, of course, but did you
start an investigation at that time?".

"Yes sir. I did".

"And would that investigation involve theft of Susan Shuttlesworth’s car
and kidnapping, and sexual assault?".

"Yes sir. It did".

"All right. I’ll ask you, did you meet with Susan Shuttlesworth again?".

"Yes sir".

"And this was on the 25th when you first saw her. Do you know when you
talked to her again?".

"I talked with her the 27th and also on the 29th".

"All right. And did you, on the 29th, obtain a detailed statement from
her regarding the offenses?".

"Yes sir. I did".

"All right. Would you tell the jury what kind of car you were looking
for?".

"I was looking for a maroon Chevrolet Beretta".

"Okay. Now, as of the 29th, when you took this detailed statement from
Susan, had her car been recovered at that time?".

"No sir. It had not".

"All right. I’ll ask you, did you at some point show Susan Shuttlesworth
some photographs?".

"Yes sir. I did".

"And did you obtain these photographs in the course of your investigation?".

"Yes sir. I did".

"Your honor may i have an exhibit marked?", Duncan asked.
"You may", the judge said.

"May I approach the witness your honor?", Duncan asked.

"Yes".

"Bruce i'm going to show you what's been marked as states exhibit 1 and state's exhibit 2. Now, can you identify state's exhibit 1?".

"Yes sir. I can".

"And what is that?".

"It's a Commerce Police Department lineup folder. We show it to all victims of a crime when they're shown a photographic lineup".

"All right. This piece of paper is what you read to them?".

"Yes sir".

"All right. Explains to them the lineup procedure?".

"Yes sir. It does".

"All right. And i'm going to show you a signature on there. Do you recognize that signature?".

"Yes sir. I do".

"And whose signature is it?".

"It's a signature of Susan Shuttlesworth".

"And were you present when she signed it?".

"Yes sir".

"You're the one that showed her the lineup?".

"Yes sir. I am".

"And where did this occur?".

"This occurred at Ms. Shuttlesworth's place of employment, which is Fisher Allied Moving on Interstate 30".

"Allied Moving Van Lines on Interstate 30?".
"Yes sir. That's correct."

"I'm going to show you state's exhibit 2. What is that?"

"That's the photographic lineup I put together and showed Susan Shuttlesworth."

"I'll ask you when showed this photographic lineup, this spread to Susan Shuttlesworth, did she identify anyone as having committed the offense against her?"

"Yes sir. She did."

"All right. And did she make a notation?"

"Yes sir. She did."

"All right. And did she indicate it on the Commerce lineup sheet and also on the photo spread itself?"

"Yes sir. She did."

"All right. And did you have her initial by the photo that she chose?"

"Yes sir."

"And she also put a mark in the appropriate spot on the lineup sheet instructions?"

"Yes sir. She did."

"Who did she identify?"

"She identified John Wesley Benos."

"And when did this occur? When did she identify him from the photo spread?"

"It was shown to her July the 6th, 1989, at 10:49 a.m."

"Your honor, at this time, state will offer state's exhibit 1 and 2."

"Couple of questions on Voir Dire, if I may?", Peter asked.

"Mr. Hudson, did the defendant look like he looks in this picture at the time of the events we're talking about, or at the time of this identification?"
Peter asked.
"I had not seen the defendant in person prior to showing the lineup".
"Objected to as not shown to accurately depict this defendant at the relevant time", Peter said.
"That complete your objection?", the judge asked.
"That completes the objection", Peter answered.
"The objection is overruled. State's exhibit 1 and 2 are received into evidence", the judge stated.
"Note our exception and motion for mistrial, your honor", Peter said.
"Motion for mistrial denied", the judge said.
"And the jury has of course, been instructed that we have to go through that litany of things", Peter said.
"I'm not aware of any requirement to note your exception", the judge said.
"I've always found the motion for mistrial sounds argumentative, but we have to go through it, the last I looked", Peter said.
"Motion for new trial overruled", the judge said.
"Your honor, at this time, state request permission to read state's exhibit 1 to the jury?", Duncan requested.
"You may", the judge said.
"Commerce Police Department lineup. You will be asked to look at a group of photographs. The fact that the photographs are shown to you should not influence your judgment. You should not conclude or guess that the photographs contain the picture of the person who committed the crime. You are not obligated to identify anyone. It is just as important to free innocent persons from suspicion as to identify guilty parties. Please do not discuss the case with other witnesses nor indicate in any way that you have
identified someone. I have this day been shown a photo lineup by the Commerce Police Department this lineup is for the purpose of identifying a person or persons involved in U.U.M.V., aggravated kidnapping and aggravated sexual assault. I recognize the person or persons being involved in said incident as indicated by an X placed by me on the above chart which represents their respective positions in the lineup. Time, 10:49 a.m. date, 7-6-89, signature Susan Shattlesworth.

"Photo lineup folder, and in position five is written, this is the man that took my car and sexually assaulted me, initials S.S.", Duncan said.

"I am the best orator in all of the Lone Star State he was thinking to himself in his subconscious mind.

"Officer Hudson, I'm going to ask you, when you showed Ms. Shattlesworth the photo lineup, what exactly happened? Did she study it for a long time?"

"What exactly happened when you showed it to her?", Duncan inquired.

"When I showed Susan Shattlesworth the lineup, I placed it in front of her. After reading the folder, I placed it on the desk and told her to take as much time as needed. She immediately glanced at it, maybe thirty seconds, and pointed to the number five photograph in that lineup", Bruce said.

"Which was this defendant?".

"Yes sir. It was".

"All right. Prior to showing the photo lineup, had, had you been looking for any individuals in particular? Well, let me back up just a minute. Did Susan Shattlesworth give you a description of the suspect?".

"Yes sir. She did".

"All right. And did she also mention the second individual?".
"Yes sir. She did."

"All right. Based on the two individuals being together, did you--I guess, where was your investigation centering at that initial time?"

"In the course of my investigation, the suspects were identified by physical description by several witnesses at the scene."

"All right."

"Object as to hearsay, your honor. Move to strike that", Peter said.

"Sustained. Jurors will disregard that portion of--the latter portion of the witness statement", the judge said.

"All right. Okay. I'll ask you, in the course of your investigation, at some point did you interview an individual named Thomas Wayne Sutton, II?", Duncan asked.

"Yes sir. I did."

"Or Thomas Wayne Sutton. And where did you interview him?"

"At the Commerce Police Department."

"And what date would that have been?"

"Be on July the 8th, 1989."

"All right. I'll ask you, did your investigation reveal anything on July the 8th regarding Susan Shuttlesworth's vehicle?"

"Yes sir. It did."

"And what was that?"

"My interview with Mr. Sutton led me to recovering the vehicle."

"All right. This maroon Beretta?"

"Yes sir."

"All right. Where was it located?"

"It was found in ten to twelve feet of tall grass southeast of the
intersection of Washington Street and Highway 11 in Commerce".

"All right. And were photographs taken at that time?"

"Yes sir. They were".

"All right. Was it daytime or night time when it was recovered?"

"It was around--between ten and ten thirty at night".

Duncan then marked state's exhibits numbers 3 through 17 for identification.

"Bruce i'm going to show you first a Xerox copy. Can you identify that?"

"Yes sir".

"What is it?"

"It's a copy of the month of June, 1989".

"Calendar?"

"Calendar, yes sir".

"And does it have two dates circled?"

"Yes sir".

"June 24th, and June 25th".

"Your honor, we'll offer state's exhibit 3", and it was accepted.

"All right. Bruce, i'm going to show you state's exhibit 13, and you said that there was tall grass in the area where the vehicle was found?"

"Yes sir".

"Now, was that within the city limits of Commerce?"

"Yes sir. It was".

"Would that photograph fairly and accurately depict what you observed as far as the high weeds and grass in that area?"

"Yes sir. It does".

"Now, there's an individual in the middle of that photograph. who is that?"
"That's patrolman Gary Marlin with the Commerce Police Department."

"And approximately how tall is he?".

"He's six foot or six foot one".

"Your honor, we'll offer state's exhibit 13".

"I don't see the relevance of this, but it has no particular prejudicial value", Peter said.

"No objection?", the judge asked.

"No objection", Peter answered.

"Admitted", the judge said. And it was admitted into evidence.

"All right. I'm going to show you state's exhibits 4, 5, 6, 7, 8, 9, 10 at this time, and if you can take just a minute and look through those photographs please. Can you identify those exhibits?".

"Yes sir. I can".

"And what are they?".

"They're photographs of Susan Shuttlesworth's car at the scene we recovered it at".

"All right. Are some of these photographs before you moved it and some after?".

"Yes sir. They are".

"But each one fairly and accurately depicts what you yourself observed when the vehicle was recovered?".

"Yes sir. It does".

"Your honor, at this time the state would offer exhibits 4, 5, 6, 7, 8, 9, 10".

"Your honor, from the testimony it appears that we have two different locations represented here, and I don't have a distinction as to one is
before the car was moved and one is after. We would object on that ground”, Peter said.

“Well your honor, that doesn’t go to the admissibility of the photograph. He said it fairly and accurately depicts what he saw”, Duncan said.

“Objection overruled. State’s 4 through 10 are admitted”, the judge said.

“All right. I’m going to show you what’s been marked as state’s 11 and 12 and ask if you can identify those two exhibits?”. 

“Yes sir. I can”.

“And what are they?”. 

“They are photographs of the interior of Susan Shuttlesworth’s vehicle”. 

“Do those photographs fairly and accurately depict what you yourself observed when you recovered the vehicle?”. 

“Yes sir. It does”. 

“We’d offer 11 and 12”. 

“Objected to as showing nothing of any particular relevance. I’m not really sure what these are offered to prove”, Peter said.

“Approach the bench”, the judge said.

The following was had at bench. 

“I’m at a bit of a disadvantage”, Peter said. 

“With regard to the objection of relevance?”, the judge asked. 

“I’ll ask a few more questions if you like”, Duncan said. 

“Now, these two photographs, 11 and 12, were taken when you first recovered the car?”. 

“Yes sir. They are”. 

“There appears to be in exhibit 11--I think it shows on exhibit 12 too--a white item in the floor board on the passenger side. Would you direct
your attention to that please officer".

"Okay".

"All right. Would you tell the judge and the jury what that is?".

"It's a photograph of a bra".

"All right. Did you recover that?".

"Yes sir. I did".

"And did she identify it as her own?".

"Yes sir. She did".

"Your honor, we would again offer 11 and 12".

"No objection", Peter said.

"State's exhibits 11 and 12 are received into evidence", the judge said.

"Now, Bruce what day was the car recovered?".

"The car was recovered on July 8th, 1989".

"And that's going to be at the evening or darkness?".

"Yes sir".

"All right. Did you go back out to that area?".

"Yes sir, I did".

"When did you go back out there?".

"July the 10th, 1989".

"All right. That would be two days later?".

"Yes sir".

"All Right. Did you go out there for any particular purpose?".

"Yes sir. I did".

"And what was that?".

"To see if I could locate a purse that Susan Shuttlesworth had with her".

"All right. And were you successful?".
"Yes sir. I was".
"What did you do?".
"I went out to the location where the car was recovered that day. We walked a perimeter search area around where the car was backed into the tall grass".
"Okay. And where did you locate the purse?".
"We located the purse about thirty five to forty feet south of where the vehicle was recovered".
"All right. I'm going to show you what's been marked as and admitted into evidence as state's exhibit 13, and you said I believe, Officer Gary Marlin, his head shows through that, through those weeds?".
"Yes sir".
"All right. Is he standing in any particular place in the photograph?".
"Yes sir. He is".
"Where's that?".
"He's standing with his feet right next to the purse".
"All right. And where is the person shooting the pictures?".
"I'm taking the photographs, and I'm standing where the vehicle was".
"All right. And would state's exhibit 14 just be a closer paragraph of Officer Marlin?".
"Yes sir".
"Standing where the purse is?".
"Yes sir".
"And would state's exhibit 15, 16 and 17, would you look at those please, and tell, tell what's depicted there, if you can identify those?".
"Yes sir. These are photographs that I took shooting straight down at
Susan Shuttlesworth's purse.

"Your honor, at this time—Do those photographs fairly and accurately depict what you yourself observed there on July the 10th when you recovered her purse?"

"Yes sir. It does".

"Your honor, we would offer 14, 15, 16 and 17 at this time".

"14, 15 and 16 appear to be irrelevant to anything I'm aware of. 17 is a picture of her purse. No objection to 17", Peter said.

"Does that conclude your objection?", the judge asked.

"Concludes the objection", Peter answered.

"17 being not objected to is admitted. On 14, 15, 16 defendant's objections are overruled. Those exhibits are received into evidence", the judge said.

"Bruce I'm going to show you what's been marked state's exhibit 18. Can you identify that?"

"Yes sir".

"What is it?"

"This is Susan Shuttlesworth's purse that he recovered".

"The one that's depicted in the photographs?"

"Yes sir".

"Your honor, we would offer state's exhibit 18".

"No objection, your honor", Peter said.

"State's 18 is admitted", the judge said.

"Officer Hudson, as to the vehicle, did you take any action or do anything in your investigation regarding finger prints?"

"No sir. I did not".
"And why is that?"

"Due to the time factor between the incident that had occurred and the date of the recovery. Both items were out in ten to twelve foot grass. Atmosphere in July, it's very hot during the day, and it gets very humid at night. The time span of the incident occurring and my recovery, the weather, the atmosphere and all that, in my opinion, I would not have recovered any fingerprints from these items.

And also, the items themselves, the grain of the purse, if there was anything, I would pick up strictly the grain of the purse and not be able to find any fingerprints".

"All right. Did you run your flashlight along the car that night it was recovered?"

"Yes sir. The night it was recovered, I did shine my flashlight at an angle to the glass and on top of the car to where if the print was there, I could have detected it and tried to lift it".

"All right. Did you form an opinion at that time as to whether or not the car had been wiped clean?"

"Yes sir. I had".

"Objection. No proper predicate, not shown to be anything but a speculation", Peter said.

"Judge, under the rules of evidence, this officer can offer his opinion regarding what he observed, and based on his investigation, any person now can offer an opinion", Duncan said.

"Objection overruled", the judge said.

"Had you formed an opinion whether the vehicle might have been wiped clean?"
"Yes sir. I had".

"And what was it?"

"In my opinion the vehicle had been wiped. There was no grass seeds from any of the tall grass on the top hood or trunk of the vehicle, so in my opinion, i had formed the opinion that it had been wiped off".

"Your honor, could the witness come down to the map?", Duncan asked.

"He may", the judge said.

"Officer Hudson, you're going to have to move around so hopefully the jury can see, you're not in the way. All right. If you wouldn't mind, would you point out--can you identify this on the top? What is it?"

"Yes sir".

"What is it?"

"It's a map of Hunt County, Texas".

"Your honor, we would ask that the court--States Exhibit 19, which has been identified as a map of Hunt County, be admitted into evidence at this time", Duncan said.

"Mr. Chamberlin, any objection?", the judge asked.

"No objection your honor, as being a map of Hunt County", Peter answered.

"Admitted", the judge said.

"All right. Would you point out please, Commerce, Texas", Duncan said.

"Commerce is right here", Bruce said as he pointed at the map.

"You'll need to back up enough so that the jury can see you. All right. Now i'll ask you, can you show us State Highway 50?"

"Yes sir. State Highway 50 is this highway right here", Bruce said as he pointed at the map.

"And runs to the interstate?"
"Runs to the interstate, Commerce, and up to, to Paris."

"Can you show me 499? Where it might be located?"

"Yes sir. 499 is going to be right here."

"All right. It's a state highway or county road--I guess it's a state highway that runs along the interstate?"

"It's a, to my recollection, a farm to market road."

"All right. Would you show the jury 118."

"Yes sir. 118 right there", Bruce said and pointed at the map.

"All right. Now, would that area around 118 and 499, does that have a particular name?"

"It's known as Ardis Heights."

"All right. And then would you show us the old 50, I guess, or is it 224 now?"

"224 runs between Greenville through Neylandville and up to Commerce."

"All right. Now, would you also point out please, the highway that goes from Commerce to Sulphur Springs?"

"It's going to be Highway 11, which would be right here coming out of Commerce going to Sulphur Springs."

"All right. And that would head into Hopkins County?"

"Yes sir."

"Now I'll ask you, did you have an occasion to meet with some people called the Stuarts?"

"Yes sir. I did."

"Mr. and Mrs. Stuart. And whereabouts they live?"

"They live at the intersection of Farm to Market Road 275 and Highway 11 in Hopkins County."
"All right. So it's going to be several miles down 11?"
"Yes sir."
"All right. And--all right. Can you tell the jury the purpose of interviewing them in your investigation?"
"In my investigation, Susan shutlesworth went to that residence and used that phone the morning the incident occurred."
"All right. That's where she called for help?"
"Yes sir."
"All right. Officer Hudson i'm going to show you what's now been marked as States Exhibit 20. Can you identify that?"
"Yes sir. It's a city map of Commerce, Texas."
"All right. If you would, can you point out the area where the University is, East Texas, maybe the football stadium."
"Gee, like is right here. The football stadium is right here, right off 50 and Live Oak Street."
"And what about the downtown area?"
"The downtown area will be right in here around Main Street, Bonham Alley, Caddo Street and Alamo right in here."
"Where's the police station located?"
"The police department is located on Alamo Street, facing the downtown area right here, at the corner of Beacon and Alamo Street."
"All right. There's been reference to, or a place, one of the bars in Commerce called Little Bit of Country. Where it, just approximate?"
"Little Bit of Country would be on Main Street, right here. All right."
"Okay. If i placed a one, is that the approximate area of Little Bit of Country?"
"Yes sir. The back door of Little Bit is on Alamo Street. The front door is on the Main Street side."

"So it goes all the way through?"

"Yes sir."

"All right. Now the banks downtown, where would they be located from that direction?"

"There's Washington Street. There's a bank right here between Caddo and Sycamore, which is the First National Bank, and then the Security State Bank is right across Washington Street."

"So I'm going to put a two, and what bank is that?"

"That's the First National Bank."

"All right. All right. Now, you said that--well, let me ask you this question first. Thomas Wayne Sutton, you said you had an occasion to interview him. Do you know where he lived at that time?"

"Yes sir. I did."

"Where's that?"

"It's at the corner of Earl and Sycamore Street."

"Okay. What point?"

"Right there."

"This one?"

"Um-hum."

"I'll put a three. Would that be the approximate area there?"

"Yes sir."

"All right. Now, you told the jury that you recovered the vehicle?"

"Yes sir."

"Can you point out that area please, on this map?", Duncan asked winsomely.
"Yes sir. It's off the intersection of Highway 11 and Washington Street, approximately right there", Bruce said as he pointed at the map.

"Right here?"

"Yes sir".

"All right. Are there any houses in that area?"

"There's one house which is right south of El Sombrero restaurant which is at the corner of Park Street and Highway 11".

"But that, in the middle of summer, that was just all grown up there?"

"Yes sir".

"All right. So the four is going to be where you located the car and the purse?"

"Yes sir. It is".

"Three is going to be the approximate location where Thomas Sutton was living at that time?"

"Yes sir".

"Two is going to be where the First National Bank is located?"

"Yes sir. It is".

"And one is going to be where Little Bit of Country is?"

"Yes sir".

"Okay. Now where would Highway 11 be, the highway to Sulphur Springs?"

"The highway to Sulphur Springs is going to be State Highway 11 running out of Hunt County into Hopkins County to Sulphur Springs. This highway right here".

"Okay. Thank you very much".

"Your honor, at this time the state would offer into evidence States Exhibit 20", Duncan said.
"No objection, subject to one thing. Did he make a mark on this map showing the Sutton residence?", Peter asked.

"Yes. There's a approximate location of--".

"As an approximate location, no objection", Peter said as he interrupted his friend.

"Can we approach the bench, your honor?", Duncan asked.

"Yes", the judge said.

"Judge, before we pass this witness, can we take a recess? I want just a second to look through my notes", Duncan said.

So the judge gave the jurors a short recess break. And the jurors left out of the court room.

"All right before the jury comes back in Mr. Thomas, you indicated you needed to present something to the court?", the judge asked.

"Judge, Officer Hudson in his investigation focused in on--had a description of a taller man, six foot, six two, and a shorter man. And the shorter man was carrying a jam box that were in the area at the time this occurred and were seen by several witnesses. We would like to offer that evidence that he was looking or focusing in on these individuals based on information that he got, not for the truth but for the fact that this is what he was doing in his investigation, and you know Mr. Chamberlain's--the objection of course is hearsay, which is valid were it offered for the truth, but were just offering it for the fact that he had this information and that was the focus of his investigation. I think I tried to get into this before, and this is where Mr. Chamberlain objected and was correctly--the court sustained it", Duncan said.

"You're talking about this morning?", the judge asked.
"Yes", Duncan answered.

"How did this come up?", the judge asked.

"Judge I asked him--I think I asked him did his investigation focus on any particular persons or any physical description of persons that were seen that night, and that's the information that we'd like to get into", was Duncan's answer.

"Well I think, haven't several times this morning you've gone along the lines of you had a telephone call, and after that telephone call, what did you do?", the judge asked.

"Right. It's the same type of thing. After interviewing witnesses, what was the focus of your investigation?", Duncan asked.

"Yes", the judge answered.

"I think these descriptions will probably be admissible, as long as they don't focus on--some of these, some of these people there's a hearsay objection, but the people are going to be called. Assuming they're going to be called, since they've been sworn in, it's a little different situation. I'm going call this gentlemen back if we don't deal on this whole thing here in direct and cross. I'm going to probably recall this witness on our case in chief, because these descriptions are critical", Peter said.

"All right. Mr. Bailiff the jury", the judge said. And the jury was brought back in.

"Mr. Hudson in the course of your investigation, you stated that you interviewed Susan briefly that Sunday morning. Did you interview other people that were around the Little Bit of Country that night or that early a.m. hours, Sunday a.m. hours?", Duncan inquired.
"Only Susan Shuttlesworth that morning", Bruce answered.

"But later, did you interview other people that had been in that area?"

"Yes sir. During the course of my investigation, yes sir".

"All right. Based on those interviews, did you focus on a particular description or particular suspects, not by name, but by physical description?"

"Yes sir. I did".

"All right. What, what were you looking for, or what, what was the focus based on the interview that you conducted?", Duncan asked.

"I was looking for a white male, six foot to six foot two, shorter, other white male, five five to five seven, and carrying a jam box radio", Bruce said.

"All right. And I'll ask you, Thomas Wayne Sutton that you interviewed on July 8th, 1989, can you tell the jury his height, approximately?"

"Yes sir".

"What is it?"

"Approximately five six, five seven".

"And do you know the defendant, John Wesley Banos height, approximately?"

"Yes sir".

"And what is it?"

"Approximately six one".

"All right. There's a couple of areas that I need to ask you about in the map, and I think we could do it from there, if--all right. In Commerce, there's an area called the Norris community. Is that correct?"

"Yes sir. There is".

"Okay. You were a police officer. Would it be in this area right here?"

"Yes sir".

"All right. I'm going to put a five in that general area, okay? Is that,
is that the approximate area? Now of course, here are the streets. I
didn’t put that five on any of the streets, but this is the approximate area
here?"
"Yes sir. It’s the area northwest of the railroads tracks".
"Okay. So here are the tracks right here, so it’s going to be northeast?"
"Yes sir".
"All right. All right. In the course of your investigation, did you
determine where this defendant lived in Commerce?"
"Yes sir. I did".
"And where was that?"
"At 1314 Ash Street".
"All right. If this is Ash Street, do you know where approximate cross
street would be?"
"Malone".
"Okay. Here is the corner of Malone and Ash. Which direction would it be
from there, just an approximate area? It’s on Ash?"
"Looking north, it’s in the northeast corner, or would be the southwest
of that block".
"Okay. This is south and this is west. So if I put a six in that block,
would that be the approximate location?"
"Yes sir".
"So that’s where Mr. Banos was living at that time?"
"Yes sir. It was".
"All right. Now you indicated that this was Highway 11, would go to
Sulphur Springs?"
"Yes sir".
"Okay. That, that arrow right there would put 11 down towards Sulphur Springs. That correct? And we mentioned State Highway 50, and it would head toward the interstate. Is that correct?"

"Yes sir."

"I'll pass the witness", Duncan said.

"Mr. Chamberlain, cross examinination?", the judge asked.

"I noticed how Duncan did not question Bruce about the hair length, hair color issue", John thought to himself, as his lawyer got up to ask his questions.

"Officer Hudson, did you have occasion in taking a--did you get the same description from Susan Shuttlesworth on each occasion?", Peter asked.

"Yes sir. I did."

"What was her--do you know her description of the height of the suspect?"

"Yes sir."

"Did she say anything about the suspects hair?"

"Yes sir. I believe she did."

"Did you later have occasion to meet the two suspects?"

"Yes sir. I did."

"Did this suspect have shoulder length hair?"

"He had shoulder length hair in the back", Bruce said lieing with perfect ease. He was a professional at lieing.

"Did the other suspect have shoulder length hair?", Peter asked.

"In the back around the collar", Bruce answered.

"Was one of them's hair noticeably shorter or longer than the other one?"

"I don't recall on her interview", Bruce answered intentionally answering the question wrong.
"No. I'm asking you from when you met them. When you met them, who would have had the longer hair of the two suspects?"

"Your honor, there's only one suspect in this case. I'm going to object to that question. I don't understand the question that he's giving", Duncan said coming to the rescue of his faithful liar.

"Your honor, the man has testified two people, Banos and Sutton as suspects", Peter pointed out quite logically.

"Well your honor, if he would indicate which as, which I object to the phrasing of the question. There's only one suspect your honor, as far as the sexual assault and aggravated kidnapping", Duncan said.

"There's two persons that he's looking for downtown at this point", Peter said as he pointed out as the obvious.

"Approach the bench", the judge said.

"I want to get into the things here Mr. Chamberlain", the judge said.

"Are you talking about the first time he saw Sutton, right?", Duncan asked the obvious.

"Right", Peter answered.

"Why don't you say Sutton?", Duncan asked.

"Why don't you clarify what you mean. Sustained", the judge responded.

"Officer Hudson, in the course of your investigation, you did you at one time have John Banos and Thomas Sutton in custody or in the station?", Peter asked.

"Yes sir. I did".

"And how soon after the incident was that?"

"Mr. Sutton was in on July the 8th, and Mr. Banos was arrested July the 7th", Bruce said.
"Okay. When you saw them, who had the--which of them, Mr. Sutton or Mr. Banos had the longer hair?", Peter asked.

"I believe Mr. Sutton's was a little longer", Bruce answered.

"Would it be fair to describe Banos hair as shoulder length at that time?"

"At the time he was arrested?"

"Right".

"No sir", Bruce slurred and answered truthfully.

"Okay. Looking over at Mr. Banos for the record, is his hair blond or not?", Peter inquired.

"His hair is medium brown, as far as my opinion", Bruce responded.

"Would that be inconsistent with the description that you took from the victim?", Peter asked.

"I believe her affidavit states blond to medium brown", Bruce replied.

"Correct. Would you answer my question?", Peter asked.

"Do you mind repeating the question".

"Would blond to medium brown be consistent with the color of this individual's hair", Peter asked.

"Blond to medium brown", Bruce stated.

"Is there anything about his hair that would suggest that it's blond?", Peter asked.

"No sir. But it is within blond to medium brown as you stated", Bruce responded deciding to toss in a lie.

"Is there any indication that his hair color has been changed at any relevant time?", Peter asked.

"I have no way of knowing that", Bruce said.

"Okay. No reason to believe it. Between the 24th of June out there before
this happened and today, his hair's the same color today as it was the first time you saw it?", Peter asked.

"To my recollection, yes sir", Bruce answered.

"Okay. Would a description of his hair as brown to black be consistent with this individual, this defendant?", Peter asked.

"Depending on light conditions, outside or whatever, it could probably be considered blackish", Bruce said with surprising honesty.

"Wow i can't believe that he answered that honestly. He must be a pig with a code of ethics", John thought to himself. And John thought that Peter did a semi good job on the hair length & hair color issue. John had never thought of what Bruce had just said. But at night time with my hair being brown, that at night time it could possibly look black depending on the light conditions.

"Did you take a statement from Thomas Sutton in July of '89, July 8 of '89?", Peter asked next.

"Yes sir. I did".

"Is there, as far as you know, another statement or statements of Thomas Sutton?"

"No sir. Theres not".

"Did he give any oral statements apart from this one, apart from the process of giving this, what's been reduced to this statement?"

"I don't recall any other questioning other than on this statement".

"By the way, what time did you receive the original call on this case the morning it happened?"

"My original call at my residence was around 6:17, 6:20 in the morning".

"Okay. How long would it have taken, how long did it take you to get
down to the office?"

"Twenty-five, thirty minutes".

"Thirty minutes. Okay. Do you know anyone else that might be strikingly similar in physical, basic physical characteristics to this defendant?"

"No sir, not off the top of my head".

"Anything really particularly strikingly unusual about the description you had of this individual, this defendant?"

"No sir".

"Oh, did you call Sutton back in after your first interview with him?"

"No sir. I don’t believe I did".

"Was there an interview by anyone else in the department that you know?"

"With Mr. Sutton", Bruce asked.

"Right", Peter responded.

"Not to my knowledge".

"We’ll pass the witness at this time. I may need him again in defendant’s case in chief, depending on how certain evidence unfolds", Peter said to the court.

Duncan was upset at his star lying witness, and so he would try to redeem him by his orator skills that he was born with.

"Mr. Hudson, Mr. Chamberlain asked you questions specifically about the description that Susan Shuttlesworth gave to you regarding her attacker, and I’m going to show you what’s been marked as States Exhibit 21, and would you take just a minute. You don’t have to read it all, but just glance at it please. Can you identify that?", Duncan asked.

"Yes sir. I can".

"What is it?"
"It's the interview with Susan Shuttlesworth. It's her sworn affidavit".

"All right. And that's what Mr. Chamberlain was asking you about the specific description that she gave. Is that right?", Duncan asked.

"Yes sir".

"And that specific description is going to be in that affidavit, isn't it?"

"Yes sir".

"All right. I'll direct your attention to a highlighted portion on the front page. Direct your attention to a highlighted portion on the back page, and can you tell us what these two highlighted portions are?", Duncan asked as he showed the liar a document.

"Yes sir. They're physical description and hair color of the defendant".

"All right. Would you read first on page one that portion of the affidavit that she gave you regarding description", Duncan said.

"It states, and I quote, "the white guy that was on the drivers side was 18 to 22 years old, tall, six foot to six foot two inches, thin build, he had blond or medium brown hair that was curly and shoulder length", Bruce said.

"All right. Now would you turn to page three of the affidavit and read that highlighted portion, what she told about his description", Duncan said.

"It states he was around 6 foot tall and thin. He had blond or brown curly hair about down to his shoulders", Bruce said.

"About down to his shoulders?"

"Yes sir".

"Thank you. Your honor at this time, State would offer 21 into evidence".

"Object to--the relevant portion of 21 has been read. The stipulation renders much of 21 irrelevant. This witness will be testifying. This document contains a number of hearsay items. I can show you in a moment
certain things that would be prejudicial that are in fact hearsay, if taken as evidence of their truth, that are merely things that someone said", Peter said.

"Would ya'll approach the bench", the judge said.

"Are you going--if this has been admitted, you're going to move on to something else?", the judge asked.

"Yes sir", Duncan answered.

"Why don't you let me read this over the lunch hour", the judge said.

"All right. Judge could i--i'm offering the whole thing. I think it's been opened up your honor, but--".

"I will take the--take the matter under advisement and rule when we return from lunch", the judge said.

"Go ahead Mr. Thomas", the judge added.

"Pass this witness your honor", Duncan said.

"One question", Peter said.

"Mr. Hudson, do you recall being involved in a prior proceeding involving the abduction of Ms. Shuttlesworth? You testified, and I participated as an attorney. Just yes or no?", Peter asked.

"Yes sir. I do", Bruce responded.

"Have you had indication to review the transcript of those proceedings?"

"No sir. I have not".

"What would be your testimony--would you look here where it says Hudson on 21, and review that paragraph please? For the record have you had an occasion and an opportunity now to review your testimony from a prior hearing?", Peter asked.

"Yes sir".

"Is this transcription of that testimony accurate? Is that an accurate
representation of what you in fact testified? I'll hand it back to you", Peter said with his question.

"I don't understand your question", Bruce said.

"Is this--where this says Hudson, yes sir, i did, etc.. Is that your testimony?", Peter asked.

"Your honor, could Mr. Chamberlain, ask Mr. Chamberlain to tell me what page he's on", Duncan said.

"21. I thought i had", Peter said.

"I'm sorry. I must have missed it", Duncan said.

"I may have mumbled", Peter responded.

"This is my testimony", Bruce said.

"Is that a correct rendition of your testimony? Is that a correct rendition of what you in fact said?", Peter asked.

"Yes sir", Bruce answered.

"Is the testimony itself correct, or does it need some correction?", Peter asked the liar.

"It needs some correction", Bruce said.

"Okay. I'm going to ask you to read for the record what is on page 21 as it currently exist under Hudson, and down to man, okay?", Peter asked.

"The whole thing?", Bruce asked.

"Right".

"Yes sir. I did. After this alleged assualt had taken place, i have several affidavits from witnesses that work at Little Bit of Country bar where Ms. Shufflesworth had previously been that evening before getting into her vehicle that gave me two suspects that were hanging around the bar, hanging around the parking lot on Main Street, there on Washington Street on
the square in Commerce at that time. I took all these affidavits from them. The physical description matched. I told my patrol officers that were on duty if they saw these two subjects walking around, one of which carried a black jam box radio all the time, if they saw these two or three subjects walking around, to stop and identify them, no matter what time of day or night. At that time my patrol officer, Fred Eaton, the next night or the night after that, two nights from the offense date saw them, stopped them and identified Mr. Banos and Mr. Sutton at that time.

My investigation followed on up and found out that Mr. Sutton had not been truthful with us, and I told his wife to get him to come in, ask him—".

"Let me stop you right there momentarily. Go ahead to the end of that", Peter said as he interrupted him.

"To get him to come in, ask him, read him his rights, ask him if he would give me a voluntary statement about what went on that night. He agreed, and at that time, that night, that's when he took me and showed me where the vehicle was hidden", Bruce said.

"Mr. Hudson you indicated a minute ago, if I understood you, that this testimony now needed correction. Is that right?", Peter asked.

"Yes sir".

"And what is that?"

"Well, if you're getting around to the fact that I interviewed Mr. Sutton twice I did not. I interviewed Mr. Sutton the only time when he gave me the voluntary statement and took me to the car. Patrolman Fred Eaton talked to Sutton", Bruce said trying his best to cover up his previous lying he did.

"For the record at that time, two days after the incident, that two days after the crime that Commerce Police stopped these two individuals, they
were not arrested. Is that correct?", Peter inquired.

"Your information is correct—is incorrect", Bruce said as he was offended by the question.

"When was Mr. Banos arrested?", Peter asked.

"He was arrested July the 7th", Bruce replied.

"But when he was stopped and identified a couple days after the offense, he was not arrested. Is that correct?", Peter inquired.

"The information on when Mr. Banos and Mr. Sutton were identified or stopped by patrolman Eaton, you'll have to get it from patrolman Eaton. I'm not sure what date it was, whether it was prior to or after the offense", Bruce answered while not answering the question.

"I'll pass the witness. I may need him again on the defendants case in chief, but we may have—it may develop that we've covered everything", Peter said.

John couldn't believe that Peter let that pig off the hook like that. "He should make him squeal", John thought to himself.

So now Duncan had to come back and rescue his best liar in kangaroo court.

"Mr. Hudson, Bruce, you left shortly after you started investigating this case and the arrests were made. You left and started working at the County Attorney's Office?", Duncan asked.

"Yes sir. I did".

"And isn't it a fact, didn't Officer Eaton leave the Commerce Police Department shortly after this too?", Duncan asked.

"Yes sir. He left about two weeks after I did", Bruce said.

"All right. And he went to work as security out at E-Systems?"

"Yes sir. That's correct".
"So you, and other than the communications you had at that time, ya'll really haven't been in communications?"

"No sir, because Officer Eaton was assigned to an eleven o'clock in the morning shift. My shift was from seven in the morning to three o'clock in the afternoon, or eight o'clock, eight to five", Bruce said.

"All right. But the information that you had was that Eaton had stopped two individuals that matched the description, from all the affidavits you had got, of the two men that were hanging around the Little Bit of Country on that Saturday night?"

"Yes sir".

"He'd stopped them and identified them as Thomas Sutton and John Wesley Barros?", Duncan asked.

"Yes sir. That's correct".

"All right. Now this part of your testimony at this prior proceeding which talks about Mr. Sutton had not been truthful, that was about a statement that was made to Eaton?", Duncan inquired.

"Yes sir".

"And the substance of that statement was I wasn't around there that night, is that basically what it was?", Duncan asked the liar.

When John heard Duncan lie and say that when Eaton had stopped him and Thomas, that he had asked Thomas about the incident that night. John wrote down a quick note telling Peter that when the police had stopped him and Thomas, they had never once asked them anything involving Susan. But Peter showed indifference to the lie that was being created by the state in kangaroo court.

"Yes sir. Basically that's correct", Bruce the liar said.
"I wasn't there, don't know anything about it?", Duncan asked.
"Yes sir".
"But that you don't know for sure exactly what was said, because that was Eaton's?", Duncan asked.
"Yes sir. Patrolman Eaton had stopped and talked to him. I had no--i don't know what they talked about", Bruce said.
"Thank you. I'll pass this witness", Duncan said.
"One additional thing", Peter said.
"These people that you got statements from, the people that worked at the bar and the people that were in the area, did they do any more than put Sutton and Banos together downtown?", Peter asked.
"No sir. The basic--their affidavits is the two were down on the square at the time of the offense", Bruce said.
"None of those people claimed to have seen anybody abduct or kidnap a girl and steal a car?", Peter asked.
"No sir".
"Pass the witness", Peter said.
"That's of course excluding Susan Shuttlesworth?", Duncan said.
"Correct", Bruce said.
"Right. We were talking about the--excuse me. We were talking about those people that--".
"Your honor, could we approach the bench?", Duncan said as he interrupted Peter.
"Judge counsel has offered portions of Bruce Hudson's testimony at a prior proceeding. I would like the court to read that prior testimony. I'm not sure under rule 107 his entire testimony might not be admissible", Duncan
said.
"Mr. Hudson's testimony?", Peter asked.
"Mr. Hudson's entire testimony", Duncan said.
"That's a possibility. Since he is here, it's largely cumulative", Peter said.
"Judge, I would like the court to review that also", Duncan said.
"106?", the judge asked.
"107", Duncan answered.
"107 is optional completeness", the judge said.
"Right. Mr. Chamberlain has offered a portion of his testimony in prior proceedings. We feel like to make that clear, the entire testimony should be admissible", Duncan said.
"Is this going to get into the stipulation hearing?", the judge asked.
"I don't know judge", Duncan said winsomely.
"I'm not aware—in my review of the testimony, I'm not aware of anything else that's relevant to this particular identification. What I'm afraid we get into is the thing we limined out", Peter said.
"Well Mr. Thomas is entitled to the optional completeness", the judge said.
"Judge if we could review that at lunch", Duncan said.
"Judge, we'll pass the witness at this time", Duncan said.
"All right. Fine. You can step down Mr. Hudson, but I think you need just to go back outside and be available. Will he be needed before lunch?", the judge asked.
"No your honor", Duncan answered.
"Mr. Thomas the States next witness?", the judge said.
"Judge at this time I've sent Mr. Black to get the witness. I would like
at this time to read into the record the agreed and stipulated evidence," Duncan said.

"Mr. Chamberlain?", the judge asked.

"No problem. Go ahead", Peter said.

"All right. You may do so", the judge said.

"I really think the whole stipulation comes in which is simply a reservation", Peter offered.

"Your honor at this time, the State would read into evidence what has been stipulated and agreed to by the parties and approved by the court, that on or about the 25th day of June, 1989, in downtown Commerce, Hunt County, Texas, some male individual or individuals over the age of 17 years did then and there intentionally and knowingly abduct another person, Susan Shuttlesworth by restraining the said Susan Shuttlesworth with intent to prevent her liberation by using and threatening to use deadly force, and without Susan Shuttlesworth's consent, did then and there restrain her so as to interfere substantially her liberty by confining her and moving her from one place or another; and such individual or individuals did intentionally and knowingly abduct Susan Shuttlesworth with intent to violate and abuse sexually the said Susan Shuttlesworth against the peace and dignity of the State. Your honor, that's the stipulation to the aggravated kidnapping.

Number two, unauthorized use of a motor vehicle, that on or about the 25th day of June, 1989, in downtown Commerce, Hunt County, Texas, some male individual or individuals over the age of 17 years did then and there intentionally and knowingly operate one motorized vehicle, namely an automobile, a Maroon Chevrolet Beretta, without the effective consent of the owner Susan Shuttlesworth, against the peace and dignity of the State.
Number three, aggravated sexual assault, that on or about the 25th day of June, 1989, in Hunt County, Texas, some male individual over the age of 17 did then and there intentionally and knowingly sexually assault Susan Shuttlesworth by causing his sexual organ to penetrate the female sexual organ of the said Susan Shuttlesworth without her consent, and the said male individual compelled Susan Shuttlesworth to submit and participate by threatening to use force and violence against her, and Susan Shuttlesworth believed that the said male individual had the ability to execute the threat, and the said male individual did then and there intentionally and knowingly by acts and words place Susan Shuttlesworth in fear that serious bodily injury and death would be immediately inflicted upon her, against the peace and dignity of the State.

Number four, no admission of participation. This defendant while agreeing to stipulate to such facts for the purpose of the pending trials of these causes, does not thereby admit or agree that he participated in, aided by acts or encouraged by words any of the acts and offenses with which he is charged herein, or that he has any actual personal knowledge of any such acts or offenses and has pleaded not guilty to these offenses and each of them", Duncan said.

"Mr. Chamberlain do you have any---".

"No. That will do", Peter said cutting off the judge.

"...quarrel with what was presented as the stipulation?", the judge said finishing his question.

"No. Thats fine. There are some formal things that were in there we decided not to read", Peter responded.

"Your next evidence Mr. Thomas? Your next witness?", the judge asked.
"Yes sir. We'd call Steve Guffy", Duncan said.

"Mr. Thomas", the judge said.

"Would you state your full name please?", Duncan asked.

"Steve Guffy".

"Mr. Guffy, whereabouts you live?", Duncan asked.

"I live in Ladonia, Texas".

"All right. And how are you employed?"

"I'm a coach at Farmindel High School".

"All right. How long--how old are you now?"

"I'm 26 of yesterday".

"All right. And how long have you been coaching?"

"This is my third year".

"All right. I'll ask you if you had an occasion back on Saturday, June the 24th, to be in downtown Commerce at a place called Little Bit of Country?"

"Yes. I go there periodically from time to time".

"All right. And is it true that, that on Saturday nights the bars stay open until one a.m. Sunday morning?"

"Yes sir".

"All right. I'll ask you, at that time back on that Saturday night, if you knew an individual named Susan Shuttlesworth?"

"Yes. I knew her".

"And did you also know her boyfriend, Mike Scott?"

"Yes sir".

"All right. And did you see them that night?"

"Yes. I saw them".

"All right. And I'll ask you, did you know where Mike worked?"
"Yes sir."

"Where was that?"

"He worked there at the club. He was a bouncer."

"All right. Okay. Now was there anything that evening, was there anything about Susan, anything unusual?"

"Uh, as far as she got intoxicated somewhat."

"All right. Did she get sick?"

"I didn't actually see her get sick. She was-- when I actually saw her inside earlier, I didn't notice."

"Didn't notice anything?"

"Not much more than she was intoxicated some."

"All right. Well, did you see her later that evening?"

"Yes sir. I did, out in her car."

"All right. About what time would that have been. Do you know?"

"It was after closing time."

"So it closed at one a.m.?"

"One, it was after one."

"All right. What did you observe about her in her car?"

"She was passed out in her car. What it was is my car-- I had to go on a long trip in the morning to Missouri, and I borrowed my mother's car, and the keys would not open the doors to the car, so I had to stay around for a long time, and Mike Scott came out and was trying to talk to her, or in the car, and I went over there and talked to him, and she was passed out in the seat of the car."

"All right. Driver's side or passengers side?"

"Passengers side of the car."
"Was it warm that evening?"
"I think it was cooler."
"Do you know whether her car was running or not? Did you go to her car?"
"Yes sir. I went over to him and tried to get her to wake up in the car, and the door was locked on her side."
"In the passengers side?"
"Yes sir."
"Did he go to the drivers side?"
"Yes sir. We finally went around to the drivers side, and it was open."
"All right. Were her keys in the car?"
"Yes. They were in the ignition."
"All right. But she was either sick or passed out?"
"Yes sir. She wasn't--"
"Could she have driven her car?, Duncan asked as he interrupted Steve.
"We couldn't even wake her up."
"All right. So this would have been after one a.m., sometime after one a.m.?"
"Yes sir."
"What did you do then?"
"He said that he had to go unload some trash. You know, he's a bouncer there, and he has to take trash back and, you know, down to the dumpers which is behind the police station. He said, i'll be back in a little while.

Well, while we were waiting, i went and called my mother in Greenville, who lives here in Greenville, because i knew she had another set of keys, but i hated to wake her up, but i knew i had to call her to get another set of
keys so i could go anywhere, so i walked to the phone booth and called her. He said he would be back in a little while, and i called my mother and walked back to my car", Steve said.

"Did you go to your mothers?", Duncan asked.

"Yes sir. A friend of mine just drove by. A friend from Ladonia came by just, as he happened to be there, and he was in town. He wasn't at the club or anything, he was just in town, and he took me to Greenville and back".

"All right. When you were out and saw Susan Shuttlesworth in her car, did you see any other individuals around there?"

"Not per se around her, no", Steve answered.

"Not around her, but around the bar?", Duncan asked.

"Outside of the club?", Duncan asked.

"I believe the question calls for yes or no. I'm going to object to the elaboration", Peter said.

"Read the question for me please", the judge said.

"Judge, i'll withdraw the question", Duncan said.

"Your honor, i'm going to move that the jury be instructed to disregard the rest of the response", Peter said.

"Jurors the question that, that was asked that Mr. Thomas has said he has withdrawn, disregard it for all purposes the question", the judge said.

"Go ahead Mr. Thomas", the judge added.

"All right. Did you see some individuals sitting outside the bar?", Duncan asked.

"Yes sir. I did", Steve said.

"All right. And what did you observe about those people, if anything?"

"I observed--i went and called my mother, and i was walking back, and i
observed that one of them was--I don't know why it stuck with me--one of them was extremely taller than the other one, and they were carrying a jam box. I call it jam box, a music box or whatever", Steve said.

"All right. One was taller than the other. What race were these two individuals?"

"Uh, they are white, or they were--I was presuming white or mexican. I don't know why. I didn't really notice them. They were just sitting there in the corner".

"All right. Did you observe them well enough to identify them again?"

"I don't really imagine, because I just noticed them when I walked by".

"All right. But they were there sitting outside?"

"Right. And it was, this was well after everything had closed down and everything had left. I was the only car out besides Susan's car".

"Okay. All right. Did you see Mike again when you came back?"

"Yes sir".

"Well, what time did you get back to the square?"

"Oh--".

"Went to Greenville and come back?", Duncan asked as he interrupted Steve.

"I went to Greenville and returned immediately, and that would take thirty-five more minutes. It was probably 1:45, maybe 2:00. I don't know for sure".

"All right. Was Susan's car there?"

"No. It wasn't".

"Was Mike there?"

"As soon as I pulled up, and I was trying to get back in my car, Mike Scott came up and said, do you know where Susan went, and I said no, I'd
gone to Greenville and just got back".

"All right. And was he concerned?"

"Yes. He was very concerned. He was--Mike's a type of guy who gets real nervous about things, and he was running around saying, i know something's happened. Something happened, because she was too drunk to drive".

"Well, she was asleep when ya'll went over there, right?"

"Correct. We couldn't wake her up".

"Did you go over to the police station?"

"Yes. Right after that we went over to the police station and reported her car missing at the time and give--he gave them the licence plate and things like that, and the make of the car, maroon".

"All right. And then what did you do then after ya'll went to the police station? Were you able to get your car open?"

"Yes sir. I had the keys, and i got my car open. Quite actually, i drove around down for another thirty minutes to an hour, just because i thought i might find her driven off somewhere or somebody couldn't find her car".

"Did you find her?"

"No. No. He--everybody that he knew that was around was driving around looking".

"And couldn't find her?"

"No".

"Thank you. We'll pass the witness", Duncan said.

"Mr. Chamberlain", the judge said.

"Now Mr. Guffy, where was Mike Scott's car?"

"His truck--he has a white pickup. It was on the back side of the club. It would be to the police station, i guess would be the--he had a white pickup
truck, and it was backed up to the club on the far side of the club".

"Okay. Did you actually see it back there?"

"Yes sir. I did".

"So when you said that everybody else's cars are gone, we have Susan's car, we have your car?"

"Right".

"What is your car, again?"

"It was my mother's car actually. It was a White Thunderbird".

"Okay", Peter said.

"Yes sir", Steve responded.

"A white pickup truck around the back. Anything else parked there", Peter asked.

"There was a pickup to the right across the street", Steve said.

"Um, do you know when Susan's car being missing was reported to Commerce P.D.?", Peter asked.

"Whenever I came back, and I guess when me and Mike went over to the police station".

"Can you pin that time down?"

"Not to exact minute, I don't guess".

"Oh, best you can".

"I'd say--club closed at one--around two, I would guess, somewhere, one thirty, two".

"Okay. This may or may not be important. It's not a trap question. If it was going to be five minutes before two o'clock or five minutes after, which way would you go? Which way would you think it was?"

"I really, even guessing, couldn't tell you".
"Okay. Where was the fellow with the jam box and the other fellow when
you observed them?"

"They were sitting—if you walk out of the club and head towards the
parking lot, they were sitting right at the corner of the building to the
parking lot. My car was right there, the first space in the parking lot in
between the phone booth and the parking lot there".

"Okay. Was that going to be on the Washington Street side or on the side
of the building?"

"It's going to be on the--i'm not that familiar with streets. It will be
the front of the club side".

"Okay. Where would Susan's car have been?"

"It was in the parking lot to the--i don't know my directions that well--
the main parking lot where there is two rows in the middle of the square. It
was right in the middle first row, i guess is where it would be. It was
parked facing, i'm going to say north".

"Does that have it facing the side of a building, or does that have it
facing the front of a building?", Peter asked.

"It was actually facing--it was in an area by itself. There was--it was
facing away from the building, building the club is in", Steve said.

"Okay. Facing away from the building. Is it facing away from the side of
that building that has doors on it, or is it facing the end of that block
that has no doors and just a wall?", Peter asked.

"It's no doors just a wall there. It was facing away from--".

"The short side of that block?", Peter asked interrupting Steve.

"Yes sir, yes sir".

"Do you know if Susan's car was over by the police station at any time
during that night?", Peter asked.

"Not that I know of. The only time I saw it was when it was parked out front there", Steve said.

"Okay. So when you saw the two individuals, would they have been in front or in back of the two male individuals? Would they have been in front or in back of Little Bit?", Peter asked.

"At the time they were in front", Steve responded.

"Were they right there by the corner, down towards the corner?"

"They were down by the corner, down towards the corner", Steve said.

"Any other individuals present at that time?", Peter asked.

"They were a couple across the street, but I don't don't really—we talked to them later when we got back, and they didn't remember seeing anybody walking around, so they were the only ones that I remember, and they were kissing and stuff. I don't imagine they were paying much attention".

"They were what?", Peter asked with surprise.

"They were kissing and things. I don't think they were paying much attention to anything going on", Steve said.

"Did you happen to get their names?"

"Wendy is all I know, Wendy. I don't know anything other than that"

"No two men?"

"Excuse me?"

"No two males, no two other males at the scene?"

"No, not at the time".

"Be a man and a woman?"

"Yeah. Yes sir".

"Do you know if they had been in Little Bit?"
"Yes sir. I presumed they had."

"But you don't know?"

"No. I don't."

"You didn't see them in there?"

"I've seen her in there in the past."

"Okay. At that time, did you see anything suspicious in the actions of the two people, the fellow with the jam box and the other fellow?"

"No. I didn't."

"They weren't trying to hide or anything?"

"No. They were just sitting there."

"Do you know if, within your personal knowledge did either of them go over--did you see them or either of them go over to Susans's car?"

"No sir, not to my knowledge."

"Okay. Yes or no. Did you hear them say anything?"

"No."

"Okay. Um, can you pin down as best you can the time that you saw these two individuals that are on the block in the front of where Little Bit is?"

"Can i pin it down?", Steve asked seeking clarity.

"Is my--does my question misstate the facts? They're on the main street side?", Peter asked.

"I understand what you're talking about", Steve said.

"How close can you pin that time down for me?"

"I don't know, because i stayed in after the club had closed sometime, and then i went out, and i was worried about my car, and i was trying to get it open and things like that. I don't know how long a time, i really don't."
"Do you know whether they went to the back of the bar at any time?"

"Not to my knowledge."

"Do you know whether or not they entered the bar at any time that evening?"

"Not to my knowledge, they didn’t."

"Okay. You left about when?"

"I’m guessing one thirty or so when I left to go."

"So you’d have been out of the downtown area by two o’clock then?"

"I might have been back by then. I may, I may have still been there. I’m not real sure."

"Were there any other patrons still straggling out of Little Bit at that point?"

"No sir."

"Judge that’s been asked and answered already", Duncan said.

"Did you withdraw your question?", the judge asked.

"I’ll withdraw that. I think he’s probably right", Peter said.

"Pass the witness", Peter said.

"No further questions your honor", Duncan said.

"You may step down", the judge said to Steve. So Steve left.

"I never once sat down anywhere that night when I was at Little Bit. So who are these two men that Steve saw sitting there? Peter should have asked him about hair lengths and hair color, because the man never identified me in court", John was thinking to himself.

The states next witness Kim Garrett took the witness stand, and Duncan started his questioning.

"Kim, would you state your name please".
"Kimberly Garrett".

"All right. You're going to need to speak up so everybody can hear you, and I think you can do it. How old a person are you?", Duncan asked.

"I'm twenty three", Kim responded.

"Kim do you live over in Commerce?"

"Yes sir".

"And are you in school now?"

"Yes sir".

"All right. Where are you going to school?"

"East Texas State University".

"And what year are you in".

"I'm a senior".

"All right. And what are you majoring in?"

"Elementary education".

"All right. Back in June of this past year, '89, specifically June the 24th, back when all this took place, where were you working then?"

"At Little Bit of Country".

"All right. And what were you doing there?"

"I'm a waitress".

"All right. And I'll ask you, do you remember seeing Susan Shuttlesworth that night?"

"Yes sir".

"And she got sick there?"

"I was told that. I didn't know".

"You didn't see her?"

"No. No sir".
"Now what time did the, did Little Bit of Country close that night?"

"I don't know if that was a Friday night or a Saturday night?", she asked.

"Okay. It was a Saturday night".

"Okay. It closes at one a.m.".

"All right. Now I'll ask you, what do you do after one a.m. Is there other things to do?", Duncan asked.

"Yes sir. We clean up all the glasses and the bottles and sweep and just clean up the club before we leave".

"All right. I'll ask you, did someone call for you or want to talk to you after the club closed that night?"

"Yes sir".

"All right. And where were they?"

"At the back door".

"All right. Did you go to the back door?"

"Yes sir".

"All right. What, who was there?"

"Two males".

"All right. What did you observe about them?"

"Um, there was two males. One was shorter and one was tall. One of them had a jam box".

"Okay. All right. Who did the talking, or who talked to you?"

"I believe it was the shorter one".

"All right. And--".

"Objection to what she believed your honor. I think we're getting into opinion", Peter said.

"Objection overruled", the judge said.
"May we have our exception and mistrial your honor?", Peter asked.
"Motion for mistrial overruled", the judge said.
"What was said?", Duncan asked Kim.
"They asked whereas the party", she said.
"What did you say?", Duncan asked.
"I said I didn't hear. They were cleaning up", she said.
"All right. It was announced in the club?"
"They announce whereas parties are whereas the club closes".
"And did you know those two men?"
"I had talked with one of them before, but I did not know them".
"Was it the taller or shorter one?"
"The shorter one".
"All right. Where'd you seen him before?"
"Outside my house in my neighborhood. I don't know if he lived across the street, but he stayed across the street".
"What street were you living on then?"
"Caddo Street".
"Okay. Is that going to be--here's Caddo Street right here, all right. So in this area right in there somewhere?"
"Uh-huh", Kim said.
"Okay. So you'd seen the shorter man before?"
"Yes sir".
"All right. Did you know his name at that time?"
"No sir".
"And they had a jam box with them?"
"Yes sir".
"All right. What time—well they said, wheres the party. How did you respond?"

"I said i didn't know. I was cleaning up, and there was other people standing at the back door with me".

"All right. Did someone else give them directions, or what happened?"

"Yes. One of the bouncers began talking, because i was scared, and i just kind of backed off", Kim said.

"All right. What did you do then?"

"I just stood there and let the other guy talk".

"All right. About what time would all of this have occurred, to the best of your memory?"

"I would say about fifteen after the club closed, so it would be about one fifteen. I mean, i'm not positive, but--".

"All right. One fifteen, one twenty, just thats—you weren't concerned about this event or the times at that--", Duncan said interrupting her.

"No sir". Kim said interrupting Duncan.

"And you gave a statement to Officer Hudson about this?"

"Yes sir", Kim said.

"Thank you. I'm going to pass this witness. Thank you Kim", Duncan said.

"Mr. Chamberlin", said the judge.

"Miss Garrett, whats the cross street there where you live?", Peter asked.

"It was on the corner of Caddo and Earl Street", Kim replied.

"Caddo and Earl. Do you—did you then know where this other individual lived?"

"No sir".
"Or stayed or where he was around?"

"Which one are you talking about?", Kim asked.

"The one that you indicated lived near you?", Peter said.

"The shorter one, I just knew that he was associated with that house somehow."

"That house?"

"The one across the street from mine. It would be facing Earl Street."

"Okay. Would that be at Earl and Caddo?", Peter asked.

"Yes sir."

"1301 Earl, to be precise?"

"I don't know the address."

"Okay. Not Earl and Sycamore though?"

"No sir."

"Okay. Did you observe these individuals around the front side of Little Bit, or on the street there on Main Street, where Main Street--am I right where the front side of Little Bit is?"

"No sir. I did not see them anywhere other than the back door."

"Okay. Did you happen to observe the victims Maroon car?"

"No sir."

"Do you know who the individual was who gave directions to the party?"

"Yes sir."

"And who's that?"

"His name is Vance Hale."

"I can't hear you."

"Vance Hale."

"Okay. Do I understand that it is not unusual that the group that's around
the club at closing time might go to one or two other places, to a party?"

"I'm sure some of them probably do".

"You mentioned them announcing some parties. What's the--would you clarify that a little bit?"

"At the end of the night after they play the last song and they're turning off the lights, the deejay usually announces if someone in Commerce is having a party".

"Okay. So where's the party would not be an unusual question if somebody was familiar with the situation there?"

"No".

"And your answer was? I cannot hear you over--".

"No. I'm sorry", Kim said.

"I'll pass the witness", Peter said.

"No further questions your honor", Duncan said.

"So far the state has brought in two witnesses who said they saw a tall person, but neither witness said that it was me, or pointed at me and said it was me. I hope that the jury caught that", John thought to himself.

The judge called for a recess, and the jury left out, and went into the jury room. Then the judge, Duncan and Peter had a pointless discussion about rule 107, and then the jury was called back in, and the states next witness took the stand.

"Mr. White, state your name please", Duncan said.

"Jason White".

"Jason how old are you?"

"Twenty five now".
"All right. Where do you live?"
"Commerce, Texas".
"All right. How are you employed?"
"I'm a public safety officer for the city of Commerce".
"All right. The air conditioner just kicked on, so you're going to need to speak up. I think you're doing a good job. How long have you been a public safety officer?"
"I was employed in April of '89 by the city of Commerce".
"All right. What is a public safety officer?"
"We're cross trained. We do both police functions and fire service functions. We're a police officer and a fire fighter".
"All right. So right now, you're a certified peace officer?"
"Yes sir".
"And you're also a fire fighter?"
"Certified fire fighter yes sir".
"All right. Now back on June 24th, 1989, that's a Saturday night, were you still in your training mode?"
"Yes sir. I was an intern at that time".
"All right. But you were--were you working with the police at that time?"
"Yes sir".
"I'll ask you if you had an occasion to be on patrol in downtown Commerce Saturday night, June the 24th, 1989?", Duncan asked.
"Yes sir".
"All right. Now who was riding with you?"
"I was riding with Patrolman Smithers".
"Okay. Now I'll ask you specifically if at any time--well let me ask you
this. Were you in the downtown area during the times of your patrol?"
"Yes sir".
"After this sexual assault, aggravated kidnapping, unauthorized use was reported by Susan Shuttlesworth that early morning, did Officer Hudson or any officers contact you about seeing anything downtown?"
"Yes sir".
"All right. And after talking to Officer Hudson or other officers, did you recall anything or any individuals that you particularly observed that evening?"
"Yes sir".
"All right. About what time?"
"At approximately 12 midnight the 24th, I noticed two white males, one approximately six feet to six two, one approximately five five to five seven in front of the Lone Star Saloon on the square. One of them was carrying a radio on his shoulder, the shorter of the two", Jason said.

John wrote another note to Peter, and informed him that Officer Jason is lying, because him and Thomas was never standing in front of the Lone Star bar. But Peter didn't show any interest. And as a matter of fact, of all the times that John went downtown there he had never once stood in front of the Lone Star bar.

"All right. Would you call that a jam box?", Duncan asked.
"Yes sir".
"All right. And now, where were you when you observed these two individuals?", Duncan asked.

"We were westbound on Main Street, which puts you just right in front of the bar, right in front of the sidewalk", Jason said.

"All right. Did you see these two--now, you're just passing through?"
"Yes sir".
"All right. Did you see these same two individuals later?"
"Yes sir".
"That evening or early morning?"

"It was one o'clock, one a.m. on the 25th. We made another pass through downtown due to the bars closing, and I observed the same two individuals leaning against the wall in front of a dentist's office, just adjacent to the Little Bit of Country bar", the liar said.

"What i lieing pig. John never once saw a pig car make any patrols down there that night. Because he would remember seeing a pig car. But also Peter told John that upon Thomas saying that he saw emergency lights flashing that night, that Peter went to the police station, to the fire department & hospital, and all the recorded entries show that there was not one single emergency vehicle downtown that night, which means that there was not a single pig car down there that night. I hope Peter will point out this lie. But also i had left from downtown at 11:30 p.m., and this lieing pig is claiming that i was there at 12 o'clock standing in front of the Lone Star bar. And then he saw me again at 1 o'clock leaning against the wall. I am not a wall leaner, so how could it be me", John thought to himself as he felt himself starting to get angry.

"All right. You saw them just standing around near the Little Bit of Country?", Duncan asked as kangaroo court went forward.

"Yes sir", the liar said.

"All right. The tall individual, or the tallest individual, do you see him today?", Duncan asked.

"Yes sir. He's next to--right there", the liar said pointing.
"All right. There's about three gentlemen in that area. Would you describe the shirt, so there's no question?", Duncan said.

"He's sitting right to the right of the defense attorney at this table with the white shirt on", the liar said.

"All right. Your honor, may the record reflect the witness has identified this defendant John Wesley Banos", Duncan said.

"Noted", the judge said.

"Now the shorter individual, have you seen him today?", Duncan asked.

"Yes sir".

"And when did you see him?"

"Well I arrived here approximately eight o'clock, and he arrived in the lobby shortly thereafter, and I saw him then this morning in the lobby".

"All right. And do you know his name now?"

"Well his name is Sutton. I didn't know his name before. I just recognized the individual as being the one before, and it was brought to my attention".

"All right. Thomas Sutton?"

"Right".

"Was he in this line of people that were sworn today? Was he in here?"

"Yes sir".

"Thank you. I'll pass the witness", Duncan said.

"Officer--", Peter said being unable to remember his name.

"White", Jason said.

"Which wall of the dentist's office were you talking about there?", Peter asked.

"It would be the north wall near the front door", the liar said.
"Is that on the Main Street side, or is this--?", Peter was asking.

"Yes sir".

"Not on the long side of the dentist's office, there at the end of the block?", Peter asked.

"Do you mean the west side? The side--".

"You're going to get me messed up on north and west", Peter said.

"Okay. He was on the north wall, which is parallel with Main Street, which parallels the face", Jason said.

"North wall would be the front door of Little Bit, the front door?", Peter asked.

"Dentist's office", Jason said.

"Dr. McDaniel's office, front door, Radio shack along there?", Peter asked.

"Yes sir".

"Um, how far from the corner of the building which is the corner of McDaniel's dentist's office?"

"It would be a guess of fifteen, twenty feet".

"Um, how close can you tie your time down on that?", Peter asked.

"I can almost say it was within fifteen minutes of one a.m. because we were passing by during the close of the bar--".

"Um--", Peter said.

"--As a form of patrol to help cut down on any potential problems", Jason said as he finished his lying answer.

"12:45 to 1:15?", Peter asked.

"Yes sir".

"Anything unusual, anything suspicious about these people at that time?"

"Other than seeing them prior on the square and seeing them there, not at
that time", the liar answered truthfully right here by error.

"Not suspects of anything at that point?", Peter asked.

"No sir, just suspicious to me", the liar said.

"No attempt to evade being seen?"

"I can't say if they were or if they weren't".

"Were they facing you or facing the wall?"

"They were facing me".

"Didn't turn away?"

"At that time, no sir".

"Okay. Lone Star is—tell the jury briefly where Lone Star is in relation to the rest of the locations we're talking about", Peter said.

"Okay. Little Bit of Country is also located on Main Street on the west end of the square. It's front door faces north. Lone Star Saloon is located on the east and of the square at the intersection of Main and Park. It's front door faces south, so it's on the other side of the street".

"Okay. And all the references to Lone Star in this testimony are to Lone Star Saloon and not to Lone Star Gas?", Peter asked.

"Yes sir".

"Just for the record. Okay. Did you notice what the two individuals you observed were wearing at that point?", Peter inquired.

"I noticed what Mr. Banos was wearing more vividly than I do Mr. Sutton. He was wearing a lighter color shirt, appeared to be purple to me, faded jeans, unsure about tennis shoes, dark glasses", the liar said.

"I don't own a purple shirt, and I don't wear dark glasses at night time", John was thinking to himself.

"Okay. But you're not sure about the tennis shoes?", Peter asked.
"No sir."

"What do you think the other gentleman was wearing?"

"I cannot say."

"Okay. Why did you happen to notice what this individual was wearing?", Peter asked.

"Because I had recognized him at a prior incident--well, not a prior incident, at a prior time a day before at another location", the liar stumbled over his own lie.

"Okay. Had you seen the other individual on a previous occasion?".

"He was with him at the same time", the liar said.

"Okay. Uh, when were you first asked about anything relating to the kidnapping and rape that we’re talking about today?"

"On the date of my statement, which is June 29th".

"Do you know when the Commerce Police first made a record of any reports about this whole situation?", Peter asked.

"I was with Officer Smithers that morning, and we had received a call about the vehicle that Ms. Shuttlesworth was driving as being missing. At that time we did what we could to try to locate it, and I knew nothing more than, more about it until I returned to do some intern work at a later date, and that’s when I was questioned about it, and that’s when I told what I saw", the liar said.

"What date? Can you tie down the date?"

"Of the call that the vehicle was missing?"

"Right. Can you tie it--".

"That was June 25th. It would have been sometime that a.m. around two o’clock in the morning".
"Okay, do you know whether there would normally be a blotter entry or
docket entry for anything like that, for that type of call?", Peter asked.
"There should be a notation on a log, yes sir, that we were called for
service. It would be a radio dispatch log", the liar said.
"At that time, are you aware of any emergency vehicle in the area, say
downtown, police department, Main Street, out Washington a couple of
blocks, up Live Oak a couple of blocks, anything running red lights or
siren anything like that?", Peter asked.
"I could not testify to that. I'm not sure".
"As far as--none as far as you know?", Peter asked.
"As far as I know, nobody was running code three, as we call it".
"I'll pass the witness", Peter said.
"No further questions", Duncan said.
"Judge we would call Thomas Wayne Sutton at this time. I sent Mr. Black
to get him judge", Duncan said.
"Your honor, in the waiting period, may we approach the bench?", Peter
asked.

So Peter talked to the judge about questioning Sutton about the knife
fiction that Sutton mentioned at the parole hearing.
"Would you state your name please?", Duncan asked.
"Thomas Wayne Sutton, II".
"And how old are you".
"Nineteen".
"And where do you live right now?"
"Mesquite".
"All right. Who do you live with?"
"My dad, stepmom, two stepsisters and nephew".
"Mr. Sutton, how far did you go in school?"
"Tenth grade".
"And do you work now?"
"Yes sir".
"Where do you work?"
"Taco Bell".
"Where?"
"At Town East Mall".
"All right. And is that probably three or four miles from your house there?"
"Yes sir".
"Now are you married?"
"No sir".
"All right. Have you been married?"
"Yes sir".
"And where did you live over in Commerce?"
"With my ex-wifes Uncle".
"All right. What's his name?"
"Jesse. I don't know his last name".
"Is it James?"
"Yeah".
"I'll ask you, back June the 24th, back when this all this came up, is that where you were living?"
"Yes sir".
"And I'll ask you, the specific night that the lady's car was taken June
the 24th, that Saturday night you know, on over into the Sunday morning, were you with John Banos that night?"

"Yes sir".

"And the man you know to be John Banos, do you see him in the courtroom today?"

"Yes sir".

"Would you point him out please?"

"He's sitting right over there".

"Would you describe his shirt, so there is no question which man you're pointing to".

"He's got a white shirt on".

"Your honor, may the record reflect that this witness has identified the defendant John Wesley Banos", Duncan said.

"The identification was made", the judge said.

"Now at that time back on June 24th in 1989 last summer, how long had you known this defendant?"

"About a week and a half to two weeks".

"All right. Where did you meet him?"

"In church".

"All right. Prior to that Saturday night, had you and John Banos hung out together?"

"Yes sir".

"All right. Did you own a car?"

"No sir".

"Did the defendant own a car?"

"No sir".
"So how would ya'll get around?"
"We'd walk".
"All right. Now how tall are you?"
"About five nine".
"All right. And how--do you know, are you shorter or taller than Mr. Bands?"
"Shorter".
"All right. That night, June the 24th, the night that Susan Shuttlesworth got kidnapped and assaulted, sexually assaulted, were you carrying anything with you?"
"Radio".
"All right. Would you call it a jam box?"
"Yes sir".
"May I approach the witness?", Duncan asked.
"Yes", the judge said.
"I'll show you states 22. Is this--whose is this?", Duncan asked.
"Mine".
"Did you carry it around that night?"
"Yes sir".
"Did you carry it around the day before?"
"Yes sir".
"Did you carry it around after this happened?"
"Yes sir".
"All right. So you carried it around with you most of the time when you were walking around Commerce?"
"Yes sir".
"Your honor we'll offer State's 22 at this time", Duncan said.

"State's Exhibit 22 is admitted", the judge said.

"Did, that night that all this happened, did John Banos talk to you about doing anything that night?", Duncan asked.

"Yes sir".

"What?"

"He talked to me about stealing the car".

"Objection. This is going to be hearsay. He's not charged with conspiracy. This is our problem", Peter said.

"Judge what this defendant says to this witness is admissible", Duncan said.

"Objection overruled", the judge said.

"May we have our exception and motion for mistrial for the record", Peter said.

"Your motion for mistrial is overruled", the judge said.

Under the Texas Rules of Evidence rule 801 article VIII hearsay under definitions it holds that 'A statement is not hearsay if:

(E) a statement by a co-conspirator of a party during the course and in furtherance of the conspiracy.

"Mr. Sutton did you and John Banos go around the Little Bit of Country bar that night?", Duncan asked.

"Yes sir".

"Was it open or closed?"

"It was open, just now closing".

"All right. Did ya'll talk to anybody there?"

"Yes sir".
"Do you remember who it was?"
"I don't--i don't know their names. I just knew their faces".
"All right. Did you talk to them about a party?"
"Yes sir".
"All right. Where did you and John Banos go after that?"
"We walked around the corner of a building and sat down on a bench that was outside the--in between the police station and there".
"All right. Did you see anything, or did ya'll see anything at that time?"
"There was a girl sitting in a car throwing up".
"All right. And what happened then?"
"We asked her if she was all right, and she said yeah, and shut the door, and i sat down on the bench, and he came over and asked me if i wanted to steal a car".
"Who did?"
"John Banos".
"What did you say?"
"I said if you want to, go ahead, and walked off".
"What happened then?"
"I walked over towards the bank, towards where his sister was staying to tell her what he was doing, and he pulled up next to me and telling me to get in the car and everything".
"All right. Who was in the car?"
"Him and Susan Shuttlesworth".
"Did you get in the car?"
"Yes sir".
"What happened then?"
"We took off down the road, and there was some lights behind him, and he looked up and seen them and started taking all these side roads, zigzagging through them, and i told him to stop, and finally he stopped at a stop sign, and he opened the door, and i jumped out".

"All right. Now when you got to the bank, you said you got in at the bank parking lot?"

"Yes sir".

"Would this be the bank right from the square downtown?"

"Yes sir".

"All right. Did anything happen there regarding the keys?"

"Yes sir. She picked them up, pulled them out of the ignition and threw them across the parking lot, and he pulled out a knife and told me to go get them".

"Did you go get them?"

"Yes sir".

"What did you do with the keys when you brought them back?"

"I dropped them in between the seat that he was sitting in and she was sitting in, hoping he would reach for them and let go of her hand, and i could pull her out of the car".

"But he didn't let her go?"

"No".

"And ya'll drove around?"

"Yes sir".

"Then where'd you go?"

"We drove around the corner, around my house. How he got there i don't know, but it was near there".
"It was near your house?"

"Yes sir. It was right outside the house".

"Did you get back in that car or see that car again that night?"

"No sir".

"Did you see--when is the next time you saw John Banos again?"

"The next morning".

"And did he tell you what happened after you got out of the car?"

"Yes sir".

"All right. Tell the jury what he told you".

"He told me he took her out in a field and raped her several times and left her in the field and brought the car back and hid it".

"All right. Did you give a--now when he told you this, you didn't go to the police did you?"

"No sir".

"Did y'all still walk around together after that?"

"We walked around that night, but I really didn't want to. I was kind of hesitant about it".

"All right. Did, did you give a statement to Bruce Hudson?"

"Yes sir".

"And that would have been on July the 8th?"

"Yes sir".

"And did you take him to the car?"

"Yes sir".

"Now isn't it a fact that you got convicted yourself of unauthorized use of a motor vehicle involving riding in that car?"
"Yes sir."
"And you got five years probation--".
"Yes sir."
"--for that, and you're on probation right now?"
"Yes sir."
"Now when you plead guilty, you knew you were going to get probation. Wasn't it part of a plea agreement?"
"Yes sir."
"And part of the agreement was that you would come here today and testify truthfully. Is that right?"
"Yes sir."
"Thank you. I'm going to pass this witness", Duncan said.
"Mr. Chamberlin", the judge said.
"Thomas pleaded guilty to a crime that he didn't commit. Not only is he crazy for doing so, but he has a terrible lying problem", John was thinking to himself.
"For the record, are you the same person who is known as Thomas Wayne Sutton, II?", Peter asked.
"Yes sir."
"Now when you--where did you first get into the Maroon car?", Peter asked.
"At the bank", Thomas said.
"Did you prior to that, talk to the girl?"
"No sir."
"Prior to that, as far as you know, did John Banos talk to the girl or not?"
"No. He didn't"
"Did he speak with her?"

"No. He didn't".

"Okay. Um, within personal knowledge did John Banos speak to the girl at any time before the bank parking lot that you personally know about?"

"Not that I know of".

"Um, how far away were you and John Banos? What's the farthest away you were before you got in that car at the bank parking lot?"

"How far was I away from where?", Thomas asked.

"From John, if that's who it was".

"We were with each other most of the night walking around".

"Okay. Now you leave the corner down there where the girl's car is parked. Where did you go?", Peter asked.

"I was walking towards the bank, going across the bank parking lot".

"Which part of the bank parking lot, the front part by the street or the back part there?"

"The back part".

"Where were the keys when you had them in—when you first had them in your hand, car keys?"

"She pulled them out of the ignition and threw them about three or four parking spaces away from the car".

"Okay. Now that parking lot goes around two sides of that bank right?"

"As far as I know. It goes across the front and then down one side".

"Okay. Were they in plain sight?"

"Yes sir".

"Could you have thrown them away?"

"You could have".
"What did John tell you, the person you've described as John? What were you told to get you to participate in getting the car keys back to the car, rather than losing the car keys so that this whole thing would have come to a stop?"

"He pulled out a knife and threatened me".

"What kind of knife was that?"

"A survival knife".

"How big is it?"

"It's about six inches long, seven".

"The whole knife or just the blade?"

"Just the blade".

"Whole knife or eleven, twelve inches long?"

"Yes sir.

"What did he threaten to do?"

"He just threatened me. He didn't say he was going to do anything at the time. He just threatened".

"From what point did he pull this alleged knife?"

"When she threw the keys out of the car, and i was standing".

"Okay. Where did he get the knife?"

"He got it from me".

"Where did he pull it from?"

"From back here behind his back".

"Did it have a sheath?"

"No. It didn't".

"You telling us that somebody stuck an eleven inch long survival knife down behind their pants and sat down in this car?"
"Yeah".
"Without a sheath?"
"Yeah".
"Do you remember giving a statement back on the 8th of July, 1989?"
"Yes sir".
"Have you had occasion to review that statement?"
"No sir".
"Has your story changed between the time you gave that statement and now?"
"No sir".
"Did you tell the officer at that time you gave that statement that he actually pulled a knife and showed it to you?"
"Yes sir".
"At the time he pulled that knife and showed it to you, was he within view of the girl?"
"Yes".
"Best of your knowledge, would the girl have seen the knife?"
"I really don't know, because she was complaining she couldn't see, because he took her glasses".
"That knife wouldn't have fit in his pocket, would it?"
"No. It won't".
"Did he make any specific statement of something he would do to you?"
"He just threatened my life. Thats it".
"What did he say?"
"That he'd kill me".
"Would you repeat his exact statement word for word, as best you can?"
"He told me, Get the keys, or else I'll stab you. In other words, I took it
as kill, because he had been drinking, so I really didn’t trust him”.

"Did you report this fact to Bruce Hudson or anyone else?"

"Yes sir”.

"Did you report to the police officers at that time, at the time on the
8th of July that you made up your statement, that you made your statement,
the 8th being the date of your statement, that he had actually pulled a
knife on you?"

"Yes sir”.

"Did you report to them that anyone said to you, I’ll stab you or I’ll
kill you?"

"Yes sir”.

"Is that in your statement?"

"It’s suppose to be. I told him that the day he was writing it up, that he
said it”.

"Did you read your statement before you signed it?"

"I read over it yes".

"Did you read the top of the second page of your statement?"

Duncan and Peter went to the bench, were the following was said. See, Duncan
has to try and rescue his reckless liar. Justice done Lone Star State style.

"Judge we’re going to object to him going to specific parts of the
statement, asking him about it when he doesn’t have it your honor. We don’t
THINK IT’S FAIR QUESTIONING ABOUT SPECIFIC PARTS”, Duncan said utilizing legal
fiction.

"Are you objecting to prior inconsistent statement?”, the judge asked.

"Your honor, if he’s going to impeach, he’s got to take him to the exact
place”, Duncan said.
"Objection sustained", the judge ruled.

"Your honor. Again we have a problem. May I read in the precise point without opening the whole statement?", Peter asked.

"Well you can't do that Pete. I think you've already opened it up. You've already asked him about was there a statement about a statement of a knife", Duncan said using legal fiction.

Under the Texas Rules of Evidence rule §607 holds that 'The credibility of witness may be attacked by any party, including the party calling the witness'.

"This incident--".

"Well if you want to impeach him, the statements got to come in. It's your choice", Duncan said interrupting Peter.

"Mr. Chamberlain, do you need a little time?", the judge asked.

"I'm letting him read down to where I am in this statement before I can question him on anything. The key point is page two", Peter said.

"Is he asking a question, judge?", Duncan asked.

"Have you gotten down to page two yet, Mr. Sutton?", Peter asked.

"No sir".

"Mr. Sutton, read down to the part about the middle of page two, where you and the other suspect separated, and let us know when you get down there", Peter said.

"All right", Thomas said.

"Your question Mr. Chamberlain?", the judge said.

"Having read that, is your sworn written statement of July 8, 1989 that said, John told me, you've seen that on page two, about three lines down?", Peter asked.
"Yeah".

"Is that correct, or is the statement you gave here earlier in the court correct?", Peter asked.

"The statement i gave in court's correct", Thomas said.

"Shows a statement that you swore to back on July the 8th is incorrect?"

"Give or take a few things", Thomas said.

"Your honor i request that the witness be directed to answer that question with a yes or no", Peter said.

"Judge i couldn't hear the response. Mr. Chamberlain walked in front of me", Duncan said.

"Was the response something to the effect of, give or take a little bit?", the judge asked.

"Give or take a few things", Peter responded.

"Objection overruled", the judge said.

"Please instruct the--oh", Peter said as to a lost of how to counter attack the kangaroo judges legal fiction tactic.

"Now in this statement, do you state anywhere that you saw, that you actually saw John exhibit the survival knife on the night in question?", Peter asked.

"Not in the statement, but i knew he had it when we left the house", Thomas said.

"Just yes or no", Peter said.

"No i didn't", Thomas for once responded truthfully.

"Did he threaten to do anything besides, quote "kick my ass", line three page two?", Peter asked.

"Yes. He did", Thomas answered.
"How far away were you?", Peter asked.

"I was right--standing right outside the car at the time", Thomas said.

"When you and the other individual separated, is it your position that you knew that John was going to do something illegal with the girl?", Peter asked.

"Yes i did", Thomas said.

"Isn't it a fact that you were about 50 feet from the police station?"

"No. I wasn't".

"How far were you from the police station?"

"About three blocks".

"Three blocks. When you separated from John, was the car still parked, the girl's car?"

"The girl--when she was in it, you're talking about?", Thomas asked.

"Was the car still parked when you separated from John?", Peter asked.

"The first time before he picked me up, yeah", Thomas said.

"Was it at that point that you came to the belief that something illegal was about to go down?", Peter asked.

"Yes", Thomas said.

"Tell the jury where were you in relationship to the police station at that point?", Peter asked.

"I was about thirty, forty steps away from it when I started walking the other way", Thomas said.

"Now your statement makes references to a vehicle with emergency lights on?", Peter asked.

"Yes sir", Thomas said.

"Did you see a vehicle with emergency lights on?", Peter asked.
"Yes sir", Thomas said.

"What was it?"

"To the best of my knowledge, it was a police car."

"Where was it located?", Peter asked.

"On, I don't remember the exact name of the street, but it was there, a hundred yards away", Thomas said.

"Do you know where Live Oak Street is?, Peter asked.

"I don't know the exact--"

"The main drag that runs up to Walmart?", Peter asked.

"I know the drag, but I don't remember the name of the street", Thomas said.

"But you know the street i'm talking about, has Dominoe's Pizza on one side, and Cypress bank, and goes straight on up past the football stadium and up to Walmart?", Peter asked.

"Yes sir."

"Is that the street the police vehicle was on?"

"Yes sir, yes sir."

"Were you still in the vehicle?"

"Yes sir."

"Okay. Take page two of your statement. Drop about halfway down. You see the line that starts but John drove down Caddo to Prim. I walked off the other way after I saw him turn?", Peter inquired.

"Yes. I do", Thomas said.

"Okay. And after that, everything you know is what somebody told you, isn't it?", Peter asked.

"It's what John Benos himself told you", Thomas said.

"I move that the answer be stricken. I would like to have this witness
instructed to answer a yes or no question with a yes or no", Peter said.
"Sustained. Would you, could you answer that question yes or no", the
judge said.
"Yes", Thomas answered.
"Move the jury be instructed to disregard the unresponsive portion of the
answer", Peter requested.
"Jurors instructed to disregard the witness' answer, that the hearsay was
what John Banos told him, disregard for all purposes", the judge said.
"Move the court to instruct this witness to answer with a yes or no
where ever possible", Peter requested again.
"Do you understand what counsel is requesting Mr. Sutton?", the judge
asked.
"Yes sir".
"Proceed Mr. Chamberlain", the judge said.
"A moment ago i asked the question that may not have been clear. When
you're out there on the square in Commerce, and the girl and her car are out
there and the person you've identified as John is out there, did either you
or John Banos within your personal knowledge speak to the girl?", Peter
asked.
"Yes sir. I did", Thomas said.
"Who did?"
"I did".
"Did Mr. Banos speak to her?"
"Yes sir".
"What did Mr. Banos say to the girl on that specific occasion, standing
there by the square?"
"We both asked her if she was all right".

"Was it one conservation, then another, or both of you just together?"

"One conservation, then another".

"Okay. To the best of your recollection, where was the girl's Maroon car parked?"

"It was on--all right. If you're standing on the side where the police station is from the building where Little Bit's at, it was the third row, about the third or fourth parking place over", Thomas said.

"Within sight of the police station?"

"Yes sir".

"You could hit the police station with a baseball from there, couldn't you?"

"Yes sir".

"Did you see anybody come in or out of the police station?"

"No sir".

"Did you see another man attempting to unlock his car out there, rather large gentleman?"

"No sir. I didn't".

"Did you have a watch on that night?"

"Yes sir", Thomas answered truthfully for some strange reason.

"Do you know what time you left downtown?"

"Not exactly".

"Did anybody ask you the time that night?"

"Not that I remember".

"Um, do you, in fact--".

The following was outside the hearing of the jury at bench.
"I'm about to ask him about his assault that he talked about", Peter said to the judge.

"Judge we're going to need a hearing outside the hearing of the jury. He has no basis to ask it", Duncan said.

"Where's it that you--".

"It's in the transcript", Peter said interrupting the judge.

"Judge he has no basis to ask this question", Duncan said.

"Jurors could you excuse yourselves about five minutes please", the judge said.

So the jury left out of the court room, and went in the jury room.

"All right. Mr. Chamberlain, with the jury having retired, ask your question, so that I can make a ruling on it", the judge said.

"If you can bear with me just a moment", Peter requested.

"Judge I don't know what he's talking about, except that he's advised me that he wants to ask Mr. Sutton about a prior criminal record, for which there is no record", Duncan said.

"Mr. Sutton admitted it in the prior hearing your honor", Peter said.

"For what?", the judge asked.

"That he had a prior assault", Peter said.

"Well you can impeach him with a prior conviction", the judge stated.

"But he has no proof", Duncan said.

"That doesn't go to his credibility though Pete", said Mr. Black the assistant to his idol Mr. Duncan the grand orator of Texas.

"He's got to have a felony conviction or a crime of moral turpitude", Duncan said.

"Aggravated assault is relevant here", Peter said.
"Judge we don't know. It may be a juvenile hearing", Duncan said.

"Judge i'll take the witness on voir dire", Duncan said.

"Go ahead", the judge said.

**VOIR DIRE EXAMINATION**

"Mr. Sutton, you're on probation now for unauthorized use of a motor vehicle?", Duncan asked.

"Yes sir".

"And how old were you when you got placed on probation?", Duncan asked.

"I was 18".

"All right. From the time you were 17, when you turned 17, were you ever convicted of a felony?", Duncan inquired.

"No sir".

"All right. Mr. Chamberlain said something about an aggravated assault. What have you been convicted of, an assault?", Duncan asked.

"It was a misunderstanding that i got blamed for when i was 16 years old".

"You were 16 years old?"

"Yes sir".

"Did you go to a juvenile court?"

"Yes sir".

"Did you pay a fine?"

"Uh, i don't remember".

"All right. Did you get put on probation or something?", Duncan asked.

"Six months".

"But you were 16 years old?"

"Yes sir".

"Did you live out your probation?"
"Yes sir."

"Did you have to go to TYC or any place like that?"

"No sir."

"Was this a fight or something?"

"It was between me, another girl, and another guy."

"All right. But you were a juvenile at the time?"

"Yes sir."

"And lived out your probation?"

"Yes sir."

"Do you want to ask him any questions about that Mr. Chamberlain?", the judge asked.

"Mr. Sutton, regardless whether you feel there was a misunderstanding, wasn't this an attack on you by a girl?", Peter asked.

"Your honor, we're going to object. If he's a juvenile—"

"If he's a juvenile, it's inadmissible", the judge said.

"I don't think so. Davis v. Alaska would let you discover a juvenile conviction for purposes of impeachment. Frankly the case dealt with discovery rather than admissibility", Peter said battling against legal fiction.

"Well the discovery I can see", the judge said.

"Judge, but even then, it's got to be a felony or a crime of moral turpitude. It's impossible for a 16 year old, unless he was certified as an adult, to be convicted of a felony", Duncan said.

"Do you want to develop those facts?", the judge asked.

"All I have is his testimony it was an aggravated assault", Peter said.

"Based on the testimony today, I will sustain the State's objection", the judge ruled.
"Meet our usual motion for mistrial and overrule for the record", Peter said.

"All right. Mr. Chamberlain i'm sorry. We still have a couple of jurors coming in", the judge said.

"One moment. I'm fishing. I'm fishing for something. I'll be right with you. I thought i had it here. Um, Mr. Sutton, um, what did your hair look like the night of the events that we're talking about", Peter said with his question.

"It was about two or three inches longer. It was combed back in wings".

"Would it be fair to call that shoulder or collar length?", Peter asked.

"Yes sir. It would".

"Okay. Was your hair longer or shorter than the other person's, the one you've identified as John?", Peter asked.

"Longer".

"How long was John's hair that night?"

"About the same, or a little bit more than it is now, or a little bit shorter".

"Would it be accurate to have described his hair as shoulder length that night", Peter asked.

"No", Thomas answered truthfully for some bizarre reason.

"Are you very sure that you had a watch on that night?"

"Yes sir".

"In your statement you refer to here, we are middle of two, John drove down Caddo to Prim. Do you remember that?"

"Yes".

"Did you know those streets by name?"
"No. I described them to Officer Hudson, and he named them", Thomas said.

"Whats on Prim street, the street we've talked about that you described that Mr. Hudson filled in, Prim Street? Whats that street, for the jury's information?", Peter asked.

"I really don't know, because I just described to him--he put the names in. He didn't say which ones was which".

"Okay. I'm going to show you a portion of page 51 of some statements that were given, uh, where it says here Chamberlain. Thats me. Did John have this--".

"Yes".

"--shoulder length hair that night or floor length or middle of the back or short, and what was your answer?", Peter asked.

"It was short". Thomas said.

"Is that correct?", Peter asked.

"Yes".

"Now we have another question a little further down, and you described yours as?", Peter asked.

"Shoulder length".

"Okay. What did you say there?"

"Shorter than shoulder length". Thomas answered.

"Shorter than shoulder length. Would that be correct?", Peter asked.

"It was about where it is now".

"Okay. And then I've asked another question, did anybody in that car have shoulder length hair except the girl, and unfortunately, your answer didn't get picked up. Whats the correct answer to that question?", Peter asked.

"Oh there, it's no", Thomas said.
"Okay. You said no here. Is that correct?", Peter asked.

"Yeah", Thomas answered.

"Give me just a moment your honor, i'm about to wrap this witness up. I've got one thing that i have paper clipped and lost. Do you know what time you got home that night?", Peter stated with a question.

"It was around two o'clock", Thomas said.

"What's the intersection where you live there?"

"Earl and i don't know the name of the other street".

"If i was to ask you if it was Caddo or Sycamore, would that refresh your recollection", Peter asked.

"Not exactly".

"Okay. Did you tell anybody about what you had observed that night until you talked to Bruce Hudson?"

"My father".

"By telephone?"

"No. I told him when i got home, after, after all this had happened. I went home. He had come got me".

"Okay. Do you recall your testimony a little while ago about having a watch on?"

"Yes sir".

"Are you sure of that?"

"Yes sir".

"Do you know whether John had a watch on that night?"

"No. He didn't".

"Okay. Um, i'd like to show you page 48 of this thing thats been typed up from a prior hearing that we had. You remember being asked that question,
would you look that page over and see if you recognize--".

The following was heard outside the hearing of the jury.

"Your honor, I don't believe that. What Mr. Chamberlain's showing him is a certified record or transcript of the prior proceeding your honor. We're going to object", Duncan said.

"Your honor, it's been given me by the District Attorney's Office", Peter said.

"It's not certified. It's something we typed up for our own benefit", Duncan said.

"This is a transcript of the prior hearing", Peter said.

"Judge, there is a mistake in the transcript", Duncan said.

"There are a lot of mistakes", Mr. Black said in support of his idol.

"Have you listened to the tape?", Duncan asked.

"No. Let's play the tape. This ones important", Peter said.

"Well, I'm let him go ahead on his cross", Duncan said suddenly unable to invent any legal fiction to help him.

"I'm going to move for production of the tape momentarily", Peter said.

"Okay. Mr. Sutton here, according to the way this has been typed up from when we were at the other hearing, off the tape, you see where it says Chamberlain, and I'm speaking to you?", Peter asked.

"Um-hum", Thomas said.

"Did you have a watch on that night, and you say, according to this, no sir. Is that correct or incorrect?", Peter asked.

"Incorrect", Thomas answered.

"And then I ask, do you know whether John had a watch on that night, and you say?", Peter asked.
"No sir", Thomas answered.

"Does that mean that you did not know whether he had a watch on or he did not?"

"I know for a fact he didn't", Thomas answered.

"Okay. Did you testify at that time as to the nature of his clothing?", Peter asked.

"Your honor we object. We don't know what time he's talking about, prior proceeding at what time?", Duncan said trying to rescue his reckless liar, who is unable to keep his lies correct. If only Thomas could be a magistic liar like himself.

"That night", Peter responded not understanding the question.

"Oh, the prior testimony", Duncan said acting ignorant.

"Right", Peter said.

"Your honor, if Mr. Chamberlain's trying to impeach this witness by testimony at a prior proceeding, we ask that he direct or make the witness aware as to when that testimony was given", Duncan said.

The following was outside the hearing of the jury.

"Approach the bench. The only way I'm going to allow prior testimony is if it's a prior inconsistent statement, and there's a certain way of doing that, and I'll sustain an objection unless it's done, okay?", the judge said.

"Thank you your honor", Duncan said with relief.

"Mr. Sutton, do you then wish to correct any testimony, assuming this has been written down right, that says you are saying did you not have a watch on that night?", Peter asked.

"Your honor we're going to object. He's not specifically telling this witness when some prior testimony was given, what date or time or place", 
Duncan said trying to rescue his reckless liar.

"Your honor I object. That's impossible", Peter said.

"Approach the bench", the judge said.

The following was heard outside the hearing of the jury.

"I've shown him the statement. I can't tell him that without
mentioning parole", Peter said.

"You can too, a particular date and time that's taken place", Duncan said.

"The witness must be told the contents and the time and place the
statement was made, and must be allowed to explain or deny such statements.

If the witness unequivocally admits making such a statement, then---", the
judge said.

"Mr. Sutton was there in fact, one and only one other time that you have
tested where you have testified where I was questioning you regarding
these events? Yes or no?", Peter inquired.

"Yes".

"Do you remember that?"

"Yes".

"Do you need to be reminded of the date or anything like that to
remember that testimony?", Peter asked.

"Your honor I'm going to object to counsel not following the proper
procedures, if he thinks he's going to impeach this witness", Duncan said.

"Objection overruled", the judge said.

"Directing your recollection back to that prior testimony and showing you
this transcript and the underlying portion here, do you remember if you, in
fact made the answer, no sir?", Peter asked.

"No. I don't remember telling you. Yes. I had a watch on", Thomas said.
"Okay", Peter said.

"Because it was the same watch I had on in there, and you asked me about that", Thomas added.

"Okay, do you remember me asking about the trousers?", Peter asked.

"Yes. I do".

"Do you--handing you page 49, is this answer correct?", Peter asked.

"Your honor we're going to--".

"Yes sir", Thomas answered.

"We're going to object. He's asking him questions about things without specifically specifying the statement that he's asking him about", Duncan said.

"Sustained", the judge said.

"Well, I'm about to rephrase it, so that it's cleaned up for the record", Peter said.

"I asked, quoting the record, when I get through with this, tell me if this is correct. The question is were they expensive designer jeans, or just the regular cheap kind, and your answer that you've just talked about here, the regular Levi button fly?", Peter asked.

"Yes", Thomas said.


"Yes".

"So that testimony is correct, but the record on the watch, you're telling us is incorrect?", Peter asked.

"Yes".

"Your honor, has he passed the witness?", Duncan said out of desperation as this reckless liar was ruining his grand theater production.
"No. I haven't", Peter said.

The following was outside the hearing of the jury.

"Your honor, what I'm asking at this point is that this portion of the tape be produced, because there's a question as to the transcript versus the actual statements", Peter said.

"He's already impeached the witness with this transcript. The witness has said that was a mistake. I don't see what further it's going to do. He's got the transcript. He's got this. He's already impeached the witness", Duncan said whining.

"The tape's the best evidence. The state already raised the possible inaccuracy about the transcript", Peter pointed out.

"It's going to say this is a parole hearing", Duncan said.

"No. I was trying to get that little piece", Peter said.

"Request denied", the judge said.

"Exception", Peter said.

"Your next question Mr. Chamberlain", the judge said.

"Mr. Sutton, what was the full nature of the plea bargain you entered into? What did you get in the plea bargain?", Peter asked.

"Five years probation, come here", Thomas said.

"Did they, did they give you anything or give up anything in that plea bargain?", Peter asked.

"No", Thomas said.

"Did they drop any charges or agree not to pursue any charges?", Peter asked.

"No".

"What specific charge or charges were you originally indicted on in
this case?"", Peter asked.

"Your honor, i think thats a matter of public record", Duncan said.

"I will judicially note any records that are produced, the proceedings in either one of the district courts Mr. Chamberlain", the judge said.

"The problem is--"

"Jurors i think you've been at it for an hour and twenty minutes. I'll give you a 15 minute recess....", the judge said as he interrupted Peter and the jury left out.

"Okay. I need to take this recess and go look up this record, because i think he received a much greater benefit. My understanding he was indicted. I was told that he was indicted for and arrested for the kidnapping as well as the rape", Peter said.

"Well, theres only one indictment", Duncan said.

"You sure?", Peter asked.

"Yeah, unauthorized use of the motor vehicle", Duncan said.

"He wasn't arrested for the kidnapping?", Peter asked.

"How can he be? He wasn't involved", Duncan said winsomely.

The jury was brought back in.

Exhibit #24 the plea baegain of Thomas Sutton was submitted into evidence.

"All right Mr. Chamberlain proceed", the judge said.

"Mr. Sutton, do you remember being charged and indicted as a result of part of the incidents of that night?", Peter asked.

"Yes".

"Were you represented by legal counsel in those proceedings?", Peter asked.

"Judge we would ask that the entire file in 15,561 be admitted into evidence, the court take judicial notice that he had a lawyer, that he was
indicted for aggravated kidnapping, that he was convicted of the lesser included offense of kidnapping. We would ask that instead of Mr. Chamberlain going through it”, Duncan said.

"I will judicially note as a matter of law all the attorneys appointments and all, i will judicially note as factual matters”, the judge said.

"I need to object to the admission of the entire file, because the entire file contains references to hearsay and extraneous matters, which the court has already excluded the same document by a prior ruling”, Peter said.

"Let me clarify that it’s not my intention that the file be taken by the jury back into the jury room. I’m judicially noting what is in the file. You can extract now what you want out of it”, the judge said.

"Thank you”, Peter said.

"Mr. Sutton, is it a fact that you entered into a plea bargain in that case in which you plead guilty to kidnapping?”, Peter asked.

"Yes sir”, Thomas said.

"Wow. Not only is Thomas a compulsive liar of the worst kind, but he is also delirious. He plead guilty to a crime that even Ms. Shuttlesworth didn’t accuse him of, that is crazy”, John was thinking to himself.

"Is there any time within your personal knowledge that the victim would have seen or felt or otherwise known, other than somebody saying knife or i have a knife or something like that, i’ll cut you, whatever, that she would have ever seen the knife?”, Peter asked.

"Your honor we’re going to object to this question. He’s asking this witness to look in the mind of Susan Shuttlesworth as to what she saw or what she heard. I believe he’s already testified previously that he saw a knife and he doesn’t know whether she saw it or not Judge. We’re going to
object because it calls for speculation, number one. Number two, because it's redundant", Duncan said.

"Your honor, I believe my previous question went to a specific point in time", Peter countered.

The following was outside the hearing of the jury.

"Who has the stipulation? Which file are they in?", the judge asked.

"Judge I guess they should be up in the file somewhere. It's stipulated that she was threatened", Duncan said using legal fiction.

"Where are we getting into testimony about?", the judge asked.

"A knife. I don't know", said the grand orator.

"Credibility of this witness. This witness has testified to certain things about this that the girl doesn't back up", Peter responded.

"Well Judge, he can ask the girl about it. He's already given his testimony that he saw the knife", Duncan said.

"The point is that this witness is embellishing his story. This witness has embellished this story between the two hearings. He's embellished his testimony before the first hearing", Peter explained quite rationally.

"Pete, ask him some question about his statement, not about what she thinks", Duncan said utilizing legal fiction.

"Objection sustained", the judge said.

"Mr. Sutton regarding the knife, are we talking about something that is black, glare free type thing, or are we talking about something that's chrome or somewhere in between what color?", Peter asked.

"Something that's chrome", Thomas said.

"The blade is chrome?"

"Yes sir", Thomas said.
"Did the light reflect off it?", Peter asked.

"No", Thomas said.

"Do you remember you and John being stopped by a police officer and questioned?"

"Yes sir. I do".

"Did that happen before or after the night in question?"

"Before", Thomas said.

"Okay, um, were you questioned again afterward before your arrest?"

"Yes sir".

"Out on the street?"

"No sir".

"The next time you were questioned would be the time you went to the police station?"

"Yes sir".

"Where was the last time you saw the knife?"

"When John had it that night".

"Okay. You never saw it again?"

"No. I didn’t".

"Do you know where you got that knife?"

"Yes sir".

"Where?"

"From my uncle".

"Pass the witness".

"Mr. Sutton, I’m going to show you what’s been marked and admitted into evidence as States Exhibit 24, and Thomas Wayne Sutton, II that’s you, isn’t it?", Duncan asked showing he was agitated.
"Yes sir."

"And you look up here and this says, it's filed September the 15th, 1989. That would have been the day you were here in court. Is that right?", Duncan asked.

"Yes sir", Thomas said.

"And you were indicted for aggravated kidnapping as a co-actor or participant or helping Banos. You pled guilty to kidnapping, and you got five years probation, and it says other terms of this plea bargain agreement truthful testimony in trial of co-actor. Is that all right", Duncan asked.

"Yes sir", Thomas answered.

John was shocked. He looked to the judge thinking that the judge would slam down his gavel and throw out all charges against him or something.

Because this is a court of law, that represents truth and justice, and that is what we are taught in public school. And that is what is promoted in all cop shows on television. Now earlier the D.A. F.Duncan Thomas had told Mr. Chamberlain about Mr. Sutton that quote, "How can he be. He wasn't involved" unquote, admitting right then that Thomas was not involved in the kidnapping. But now he is saying that Thomas was a 'co-actor' or 'participant' or that he was 'helping Banos', and so in essence he is admitting that he had an innocent man convicted of a crime that he knows the man is innocent of. And the judge was going along with this John took notice of. John was hoping that the jury would catch that part of it. He was confident that the jurors would see that Thomas was a compulsive liar.

"And that's your signature down there at the bottom, isn't it", Duncan asked.

"Yes sir".
"And earlier today when I was asking you about unauthorized use of a vehicle I was wrong. Is that right?", Duncan asked while admitting that he is a liar.

"Yes sir", Thomas said.

"And what's correct is what's in the court record?", Duncan asked.

"Yes sir".

"And you went and got the keys and you brought them back to the car?", Duncan asked.

"Yes sir".

"Objection. Leading", Peter said.

"Sustained", the judge said.

"I believe you testified earlier, did you not, that you didn't go to the police?", Duncan asked.

"Yes sir".

"And you went and got the keys?"

"Yes sir".

"And is States Exhibit 23, is that the statement that Mr. Chamberlain was questioning you about a while ago?"

"Yes sir".

"And didn't he make the statement, or question you, says anywhere in here is there something about a knife?"

"Yes sir".

"Your honor, at this time we're going to offer States Exhibit 23 pursuant to rule 106, the remainder or related writings. Also under rule 107 of the criminal rules of evidence regarding the rule of optional completeness. Your honor, we'd offer States Exhibit 23 at this time,"
Duncan said.

The following was outside the hearing of the jury.

"Your honor, i would like a moment to formulate some objections to this one. Under the stipulation. Here's the court's copy. Under the stipulation, the matter is a number of these matters are neither relevant nor material, because there are established as a matter of law by the stipulation which we submitted and the DA's office and the court accepted. All thats a large part of this thing, is the rank hearsay evidence, and is not relevant to anything tending to identify the guilty party. What is relevant in this statement are those items--and i'm looking at the top of page two, the two lines there--".

"Well your honor, what counsel for the defendant has done is picked and choseed what he wanted to get in out of the statement, and rule 106 and 107, your honor, specifically say that if a portion is offered that the other side can offer whatever portion they want to your honor", Duncan said as he interrupted Peter.

"But it has to be subject to relevance and materiality your honor.

Furthermore if it is admitted, it would be admissible only to show what Thomas Sutton stated on July 8, and not for the truth of the matters asserted. If it's being offered or would be construed by the jury as a substitute for live testimony, thats where you got your problem. 106--".

"Mr. Chamberlain read from here the parts having to do with the knife", the judge said interrupting Peter.

"Judge, and he also said theres no where in his statement where it talks about a knife", Duncan said.
"Who said that?", Peter asked.

"You did", Duncan said.

"I'm absolutely shocked. I don't believe I did, but go ahead", Peter said.

"In effect, he made the whole statement subject to this impeachment", Duncan said.

"What is relevant in this trial, the only way this is relevant right now, has to do with him trying to impeach the witness in his testimony", the judge said.

"That's true", Duncan said.

"And I will let the relevant parts in here that have to do with cancelling out the impeachment; in other words, things to do with the knife", the judge said.

"For the record, do we have--".

"Just a minute judge. My problem at this time is that the entire statement--", Duncan was saying as he interrupted Peter.

"And it's relevance is what it does to restore his credibility", the judge said interrupting Duncan.

"Judge I think that it does, I think the entire statement, the entire statement that he made at that time has to go to--".

"Is it an element of the States case, since the stipulations are entered, are you going to have to show that a knife was used to threaten?", the judge asked.

"No", Duncan answered.

"So that's not relevant. The only thing that's relevant, the rules of optional completeness, under the rules, you can evoke from that statement on the same subjects that he opened up", the judge said.
"I have a question. Mr. Thomas has just indicated that I made some statement that there wasn't anything--".

"Well it's not going to make any difference. He's overruled--", Duncan said interrupting Peter.

"This statement is in right?", Peter said as he interrupted Duncan.

"Anything in there about the knife is in", the judge said.

"Okay", Peter said.

"Your honor, the State has proffered 23, and it's my understanding that the objection of defendant is sustained", Duncan said.

"Well the ruling was at the bench conference that there are parts of that that are relevant, based on the ruling that I made at the bench, but I sustained his objection as to the total admission of what you have marked there as States 23", the judge said.

"Yes sir", Duncan said.

"Mr. Chamberlain took you to issue Mr. Sutton, about a statement on the second page, and let me get that. About the third line, John told me if I didn't--have you found it on the second page?", Duncan asked.

"Um-hum", Thomas said.

"John told me if I didn't come with him, that he was going to kick my ass. I knew that John carried a survival knife with him all the time, so I got in the car. John pushed the girl up, and I got in on the passenger side of the car", Thomas said.

"All right. Now is that the statement that you made on the 8th day of July, 1989?", Duncan asked.

"Yes sir".

"And as to the knife, you had given this knife to John Banos at an
earlier time? And John Banos and you were stopped by the police, i think you said a day or sometime before this happened, and you were down there that night. Is that correct?”, Duncan asked.

"Yes sir".

"And ya'll were seen around there later. Is that right?”, Duncan asked.

"Yes sir".

"Mr. Chamberlain spent sometime asking you about a prior testimony in a prior proceeding. Do you recall him asking you about that?”, Duncan asked.

"Um-hum".

"And would that have occured back, August the 22nd, 1989, would that have been about right sometime in August?”, Duncan asked.

"Around there somewhere".

"Were you living in Mesquite at the time back last August? You moved after all this happened. You moved from Commerce, didn't you?"

"Yes sir".

"Mr. Sutton, when you got in that car on the bank parking lot, this defendant was in the car with Susan Shuttlesworth, is that correct?"

"Yes sir".

"And then ya'll drove around and he, you got out?"

"Yes sir".

"And then you saw John the next day?"

"Yes sir".

"And you already told the jury what he told you then?"

"Yes sir".

"Pass the witness", Duncan said.

"Mr. Sutton, whose knife was it?”, Peter asked.
"Your honor. That's redundant. It's been asked and answered", Duncan said.

"I think it's been answered two ways your honor. I could be wrong", Peter said.

"Overruled", the judge said.

"Whose knife was it Thomas?", Peter asked.

"Mine", Thomas said.

"Okay. Did you tell Bruce Hudson that you were going to John's sister's house that night?"

"Yes sir".

"Do you know if that's anywhere in the statement, in the typed statement? Does it appear to be there?"

"No", Thomas answered.

"Did you tell Bruce Hudson her name, the sister's name?"

"No. No. I didn't".

"Did you tell him where she lived?"

"No".

"Why not?"

"I don't know".

"Best of your recollection, what words did you use to convey this information to Bruce Hudson, this information we're talking about? You understand what we're talking about when you say you told Hudson that you were going to John Banos sister's house?"

"I told him I was headed over there when he pulled up beside me".

"Did he ask you where that was?", Peter asked.

"No. He didn't".
"What kind of watch did you have?"

"Just a quartz, sports quartz watch", Thomas said.

"Did you normally wear it or only wear it part of the time?"

"Wore it all the time".

"Did you know John's sister's name?"

"Maryann I believe".

"Did you know where she lived?"

"Yes. I did. I didn't know the address, but I knew where the house was".

"Can you tell us where it is, where the house that she was living in then is?", Peter asked.

"Right besides the church on the--okay. If you're standing in front of the church, facing the church off the road where you're coming to the square, it would be the left hand side, the first house".

"I'll pass the witness", Peter said.

"Oh one additional question. May we have the lineup sheet. Handing you States Exhibit 2, which is headed photo spread, do you recognize anybody on that sheet?", Peter asked.

"John", Thomas said.

"You recognize anyone else?"

"Nope".

"Terms of hair style, can you compare John's hair the night of the incident with the hair style shown in the photograph?"

"Excuse me?"

"Would you please compare John's hair style that night with the way he looked on the night we have been talking about back there, June 25th of '89, or is it July 25th, the night we're talking about, the night that the car
was taken and the other incidents happened? Shorter or longer in the picture?", Peter asked.

"A little bit longer in the back and a little bit shorter in the front", Thomas said.

"Then in this photograph?", Peter asked.

"Yeah", Thomas said.

"Mr. Sutton, do you need to correct any of your answers? Have I perhaps confused you and gotten you to say something you really didn't want to say or anything like that?", Peter asked.

"No sir".

"Pass the witness", Peter said.

"Your honor, counsel again has taken—we're going to reoffer States Exhibit 23. Counsel has again asked the witness questions about it and then asked the witness to review the entire statement as to those issues, and we believe with that use in front of the jury, under rules 106 and 107, that he has put the whole statement in issue by those cross-examination questions your honor, and we believe it's relevant and admissible at this time", Duncan said.

"Objection overruled. Proceed", the judge said.

"Your honor, the court having sustained defendants objection, we would pass the witness also", Duncan said sadly.

"Anything else? All right. You may step down", the judge said.

"We'd call Susan Shuttlesworth", Duncan said.

"Susan would you state your name please?", Duncan asked.

"Susan Shuttlesworth".

"All right. And how old are you?"
"Twenty five."
"And do you live over in Commerce now?"
"Yes sir."
"All right. Where did you grow up?"
"Commerce."
"All right. And where did you go to high school?"
"Commerce."
"And did you graduate from there?"
"Yes sir."
"All right. I'll ask you--all right. Did you start working when you got out of school?"
"Yes sir. I went to collage for a year."
"Went to collage for a year. Where, where are you working now?"
"Allied Van Lines agent here."
"That's out on Interstate 30?"
"Yes sir."
"How long have you been working out there?"
"A year and a half."
"All right. I'm going to direct your attention Susan, back to June the 24th, 1989. All right. Do you remember that night?"
"Yes sir."
"All right. I'll ask you, that's a Saturday. What had you done that day?"
"I had worked from ten to six."
"Where did you work?"
"I worked at a movie store there in Commerce."
"All right. So you had two jobs at the time?"
"Yes sir".

"All right", Duncan said.

"And I went and helped a friend at a class reunion from seven until about nine thirty".

"All right. Would that have been at EI?"

"Yes sir".

"Where this class reunion was, what did you do to help?"

"I handed out name tags at the door".

"All right. Did you go from your job at the movie store straight to the reception?"

"No sir. I went home and changed".

"All right. Did--where did you go from there, when you finished working at the reception?"

"I went back home and changed clothes and went back to the reunion to meet my friend".

"All right. And what did you do then?"

"We, we went up to Little Bit".

"Little Bit of Country there at the square in Commerce?"

"Yes sir".

"Susan, had you eaten anything on that day?"

"No sir. I hadn't".

"All right. About what time do you think you got to Little Bit of Country?"

"About nine fourty or ten".

"All right. Now, did you see--well, was Michael Scott your boyfriend then?"
"Yes sir."
"All right. And where did he work?"
"At Little Bit."
"All right. Did you meet him there?"
"Yes sir."
"All right. Did you drink anything there at the Little Bit of Country?"
"I'd had several beers, three."
"All right. How you did you feel at that time?"
"I wasn't feeling well."
"All right. Did you become ill?"
"Yes. I did."
"All right. What did you--what happened then?"
"When we left?", Susan asked.
"Well, when you got sick?"
"Mike walked me out to the car and let me stay out there while he helped close the bar."
"All right. Whose car?"
"My car."
"And what kind of car did you have?"
"An '89 Beretta."
"All right. Maroon?"
"Yes sir."
"All right. Where did you get in the car?"
"On the passenger side."
"All right. Did you turn it on or what?"
"Yes sir."
"For the air conditioning?"
"Yes sir."
"Did it have reclining seats?"
"Yes. It did."
"All right. About what time do you think you went out there, if you know?"
"One or a little before."
"All right. All right. What is the next thing that you remember?"
"I remember Steve Guffy coming out and checking on me. Mike came out and checked on me, and I remember two guys getting into the car", Susan said. "All right. What happened when the guys got in the car?"
"They took off."
"All right. Where did you go?"
"To the First National Bank parking lot."
"All right. And what happened there?"
"He was looking for the head lights, and I grabbed the keys, killed the car, grabbed the keys and threw them out in the parking lot."
"All right. What happened then?"
"The guy in the back seat got out to get the keys, and the one driving put his hand over my mouth and told me to be quiet. The other one got in the back seat gave him the keys, and we took off again."
"All right. Where did you go then?"
"Down Washington Street to the light, turn right on Live Oak, went down to Prim, turned right, went a couple of blocks and circled around and let the guy in the back seat out."
"All right. So did you know either one of the gentlemen?"
"No sir. I didn't."
"All right. So the man in the back seat got out. All right. Do you have an idea as to what time they got your car or got in your car or took off?"

"No sir. Mike checked on--".

"After one?", Duncan said interrupting Susan.

"Yes sir".

"Sometime after Mike checked on you?"

"Yes sir".

"All right. All right. The man in the back seat got out?"

"Um-hum".

"What, what happened next?"

"We took off and headed towards the Interstate".

"All right. On 50?"

"Yes sir".

"All right. Now how long have you lived in Commerce?"

"18 years".

"All right. So you're familiar with the roads?"

"Yes sir".

"All right. Headed toward the Interstate on 50. What happened then?"

"Just before we got to the Interstate, we turned off the, off of highway 50".

"All right. What happened then?"

"He pulled up into a field or pasture or something and attacked me".

"Sexually assaulted you?"

"Yes sir".

"All right. After that happened, what happened then?"

"We got back in the car and headed back towards Commerce on Highway 50."
He turned, got on 224 and headed towards Greenville that way."

"All right. So went back on 224?"

"Um-hum".

"What happened then?"

"He was going to go through Ardis Heights, and he said there was a roadblock or something and turned to the right and went through a trailer park and came back to Commerce".

"What happened then?"

"We rode around Commerce, and I thought we were back on the ET campus because of the lights".

"All right. Were you sitting up all this time?"

"While we were out on the highway. When we were in town, he would make me lay in the seat".

"Push your head down so you couldn't see?"

"Yes sir".

"So you thought maybe you were at ET because of the lights, because that's what you could see?"

"Yes sir".

"What happened next?"

"He pulled up into another pasture that had, like, woods all the way around it and--"

"Was this in Commerce?"

"I don't know".

"All right. Do you think you were ever in the Norris community?"

"Yes sir".

"All right. Sometime when you were driving around?"
"Um-hum."

"All right. Pulled up in someplace with woods all around?"

"Um-hum. And he attacked me again. We got back in the car, and he was trying to find the entrance so we could get back out, and he was hitting trees and running into stuff, and he finally got back on, pulled the car back out onto the road, and we went to Park Street and went towards Sulphur Springs."

"All right. Would that be Highway 11?"

"Yes sir."

"All right. What happened then?"

"On Highway 11, we went to, to Cravens store there at the Cumbry turn off, and he started turning down every little dirt road to the right and left looking for a friend of his, and we went about three and a half miles down, and he turned left into a field and pulled out in the middle of it."

"Okay. What happened then?"

"He attacked me again and told me to get dressed and get out of the car."

"What happened then?"

"And he told me that if I went to the police with this, he would kill me. That I was to tell everybody that I had gotten, lost my car, and he told me to start walking, and he got back in the car and left, and I started walking back, got back on the highway and went to Commerce."

"All right. Now, did you have any idea what time it was at this time?"

"Yes sir. Right before I got on Highway 11, I looked at my watch. It was four twenty."

"All right. It was four twenty before, when you got back. You were in the middle of a field?"
"Um-hum".

"All right. You walked up to Highway 11 four twenty in the morning?"

"Um-hum".

"And you didn’t look at your watch, you were sick, but somewhere after one o’clock, maybe one twenty, one thirty?"

"Um-hum".

"Okay. So that would be approximately three hours—".

"Yes sir".

"—that person had you driving around everywhere?"

"Yes sir".

"Now when you got back out on the highway, what did you do?"

"I turned to the left and started walking, and I topped a hill, and realized I was going towards Sulphur Springs, so I turned around and went back towards Commerce".

"All right. What, did you see any cars when you were on the highway?"

"A few".

"What would you do?"

"Crawl off in the ditch and hide".

"All right. Did you know where the person was that had your car?"

"No sir. I didn’t".

"Do you have any idea how far you walked?"

"A little over three and a half miles".

"All right. What did you do then?"

"I used a phone and called my boyfriend".

"All right. Would that have been at the Stewarts house in Hokin County?"

"Yes sir".
"And when you got back to your boyfriend's, what did you do then?"

"We got my little sister and her boyfriend and went to the police station."

"All right. And sometime there at the police station you talked to Officer Hudson?"

"Yes sir."

"You talked to some other officers first, but then you talked to Officer Hudson?"

"Um-hum."

"Okay. Now, Susan, there's been at least a three hour time frame, and I haven't gone into details as to what happened as to threats and so forth, and you understand that there's been a stipulation. You remember me talking to you about that?"

"Yes sir."

"And I'm not having you go into all the threats and everything and what happened to you in detail, you understand?", Duncan said utilizing legal fiction in his grand orator presentation.

"Yes sir."

"And though you didn't want to, you were prepared and ready to testify about that if you had to?"

"Yes sir."

"Susan I'm going to ask you. That man that got in your car there in downtown Commerce and drove you all around, kidnapped you and sexually assaulted you, do you see that man in the courtroom?"

"Yes sir."

"Would you identify him please."
"He's at the table sitting with Mr. Chamberlain".

John was watching Ms. Shuttlesworth when she said that, and all she did was just cut her eyes at him. She didn't raise her head up, and look at him. "I hope the jury caught that", John was thinking to himself.

"All right. Would you describe his shirt, so there's no question", Duncan said.

"Beige".

"Beige shirt?", Duncan asked in shock at Ms. Shuttlesworth answer.

John was shocked as well. He was thinking that all of the lies being told had polluted his shirt, and had turned it from being snow white to gray since Thomas testified, and had said that i have a white shirt on. So John quickly glanced at his shirt, and when he saw that it was still snow white, that he breathed a sigh of grateful relief.

"Your honor, may the record reflect that this witness has identified the defendant, John Wesley Banos?", Duncan said.

"The record will reflect that identification was made", the judge said.

John looked over at his lawyer exspecting him to object, because that was a lie. She had not identified me, because i don't have a gray shirt on. But Peter instead remained silent.

"Susan did you ever see your car again?"

"Yes sir".

"Is that when they towed it?"

"Yes sir".

"All right. Now was your car damaged?"

"It was totaled".

"Totaled?"
"Yes sir."

"Your honor, I'm having some trouble hearing the witness with the air conditioning on", Peter said.

"Susan, if you'd speak up", Duncan said.

"Okay", Susan said.

"Did you hear the last question and answer?", the judge asked Peter.

"There was a question about the damage to the car. I did not hear the answer", Peter said.

"And her answer I believe, was that it was totaled", the judge said.

"I'm going to show you States Exhibit 11. It's been admitted into evidence. Do you recognize that?", Duncan asked.

"Yes sir."

"What is it?"

"That's my bra."

"That's your car?"

"Yes sir."

"I'm going to show you what's been marked States Exhibit 18. You recognize that?"

"Yes sir."

"What is it?"

"That's my purse."

"I'm going to show you, Susan, what's been marked as States Exhibit #2, #1 and 2, and so you recognize those?"

"Yes sir."

"And are these the things that Bruce Hudson showed you and you identified this defendant?"
"Yes sir."

"When after you talked to Officer Hudson there at the police station, what did you do then?"

"He took me to the Greenville Hospital."

"And a doctor examined you there?"

"Yes sir."

"Your honor, we're going to pass the witness."

"Mr. Chamberlain", the judge said.

"Your honor, I'm going to request a ruling similar to the one we had in cross examining Mr. Sutton", Peter requested.

"I'll reserve my ruling until it's time to--an objection is made", the judge said.

"Ma'am do you remember giving the description to the officers that became part of your statement on June the 29th?", Peter asked.

"Yes sir."

"Um, have you had occasion to review that statement?"

"Yes. I have."

"Your honor, if he's going to ask her specifically about the statement, we would ask that she be allowed to view it if--."

"No problem at all", Peter said interrupting Duncan.

"Judge, I think it's been previously marked as States Exhibit 21", Duncan said.

"Referring to this statement on page one up here where it starts around one fifteen and down through the words parking lot, are you familiar with that?", Peter asked.

"Yes sir."
"Now turning to the last page, and I want to direct your attention to what starts, the guy, about five lines, five or six lines up?"

"Okay"

"Okay. All the way down through wallet, and can you stop right there?"

"Okay".

"If you would review those two sections for me. Did those two sections fairly set out your descriptions of the two participants, or is there something else in here that you need that relates just to the description, just to who did it, just to who did what?", Peter asked.

"Your honor I'm going to object. I don't understand his question", Duncan said.

"Sustained", the judge said.

"Okay. On the subject of identification and of who did what things, including who you believe committed the sexual assaults and the kidnapping and the car theft and who may have participated in certain of those, is there anything in your statement except those two portions that I've just called to your attention that are needed to make those two parts that deal with the identification complete?", Peter asked.

"Judge I'm going to object. I still don't understand the question", Duncan said.

The following was outside the hearing of the jury.

"Anything that, that is given—anything that is not made at trial proceedings this statement is hearsay", the judge said.

"That's correct", Duncan said.

"One of the exceptions is a prior inconsistent statement, but if you get into the statement, how's it's going to come into evidence?", the judge asked.
"What I'm trying to find out is if she's still--".

"If she said something contrary to what she's testifying to today, you can develop it as a prior inconsistent statement", the judge said cutting off Peter.

"I don't know that it will be", Peter said.

"Then you can't use it", the judge said.

"I want to ask her if this is still the way--".

"You can't go into that", Duncan said employing legal fiction with his lie.

"You mean I can't ask her how tall the individual was?", Peter asked, showing surprise at what he was hearing.

"This is hearsay unless it's offered as a prior inconsistent statement to she's testifying today from what she did", the judge said.

"She's not--I didn't think she was an absent declarant. The first requirement of a hearsay statement is that she be absent", Peter said.

"The statement is a hearsay statement because it's made out of court", Duncan said.

"Well I never thought it was hearsay. I'll back up and do it another way", Peter said.

"Okay. You remember that back in August we went through this matter at another hearing?", Peter asked.

"Yes sir", Susan answered.

Under Texas Rules of Evidence rule § 801 (e)(1) STATEMENTS WHICH ARE NOT HEARSAY. A statement is not hearsay if:

'Prior statement by witness. The declarant testifies at the trial or HEARING and is subject to cross examination concerning the statement, and the statement is:'.
"Judge could I approach the bench?", Duncan asked.

The following was outside the hearing of the jury.

"Judge I've never discussed with her that she can't say that it was a parole hearing", Duncan said.

"You've not--".

"I've not".

"You need to. I thought that was part of the orders", Peter said.

"Well I didn't want her to say it by accident judge. I hadn't had time to talk to her", Duncan said.

"He needs to brief her", Peter said.

"Do you want to take her outside?", the judge asked.

"Well I hate to do--I can do that judge. I just don't want it to come out accidentally", Duncan said winsomely.

"If she said it today, it would be contrary to what you're wanting to impeach her on?", the judge asked.

"I really don't think she's going to be impeached on this", Peter said.

"Statements made at a prior parole hearing, are they not hearsay?", the judge asked.

"They can't be hearsay to a person that's here being questioned", Peter said.

"Any out of court statement is hearsay", Duncan said.

"As to an absent declarant", Peter said.

"She's here and she can testify, and then if she testified contrary--".

"We'll do it that way", Peter said as he interrupted the judge.

"Did both suspects get into your car at the same time?", Peter asked.

"Yes sir".
During that part of this trip that gets you from your parking space at the side of Little Bit at the side of McDaniel's office over to the First National Bank parking lot, was Thomas Sutton in the car?" "Yes".

"Was the second person in the car?"

"Yes".

"Okay. So if one of the two individuals testified that they were not in the car, would that be false?"

"Yes. It would".

"Uu, if--did you ever personally see a knife or other weapon that night?"

"No sir".

"But you, were you though told that there was one, and you had a reasonable fear of that?"

"Yes sir".

"Were you in a position that if someone had a knife with a chrome blade, and the total knife was eleven or twelve inches long and the blade was six or seven inches long, would you have seen it or not?", Peter asked.

"Your honor, we're going to object as getting into matters that have been stipulated", Duncan said lying, in an attempt to keep Peter from ruining his grand act.

The following was outside the hearing of the jury.

"We're going to object to this line of questioning at all judge", Duncan said.

"Your honor, this is not a stipulation. This is precisely reserved in the stipulation. I drafted the stipulation", Peter said.

"Judge it says in the stipulation she was threatened", Duncan said whining.
"We're not challenging that she was threatened", Peter said.

"He already asked if she's seen a--".

"She said she didn't see a knife", the judge said interrupting cry baby.

"The point is i want to find out if she had an opportunity. I think this lady would have had an opportunity to see that particular knife if it had existed", Peter said wisely and intellectly.

"Judge he already asked if she saw a knife. She said no", Duncan the cry baby said throwing a hissy fit.

"Objection sustained".

"For the record, may we have our exception and motion for mistrial?", Peter bravely asked the kangaroo court of injustice.

"I sustained Mr. Thomas objections, and i'll overrule your motion for mistrial", the kangaroo judge said.

"Do you recall the hair length of the two individuals?", Peter asked.

"The drivers hair, i believe, was about shoulder length or a little bit shorter", Susan said.

"The whose?", Peter asked.

"I mean, the man that was driving was collar length. I'm sorry", Susan said.

"How about the other individual?", Peter asked.

"I don't remember", Susan said.

"Did you ever make an identification of the second individual?", Peter asked.

"No sir", Susan said.

"And when was that?", Peter asked.

"Your honor she answered no sir", Duncan said.

"Excuse me. I can't hear her", Peter said.
"Your answer was no?", the judge asked.

"Yes sir", Susan said.

"Do you know if you've seen that individual again?", Peter asked.

"I've been told I have", Susan answered.

"What is the basis of your identification of this defendant at the time you made that off the picture lineup back in 6 July of '89? I'm going to hand you that document", Peter said as he showed her the photo lineup.

"I'm sorry. I don't understand what you're asking", Susan said.

"Can you point out any features or anything that led you to that picture of that individual?", Peter asked.

"It looks like him, just like him", Susan said.

"In the picture, can you compare his hair length in the picture with his hair length that night?", Peter asked.

"It was longer", Susan said.

"Your, for purpose of testing your identification, and that's what all of this about, how tall did you think the shorter individual was?", Peter asked.

"Five five to five seven", Susan said.

"If that individual testified in court today that he was five nine--correct me please if I'm wrong Duncan?--could you have been mistaken on that?", Peter asked.

"Yes. I could have", Susan said.

"If you were mistaken on that, would you possibly have been mistaken as to the height of the other, the taller individual?", Peter asked.

"Yes sir", Susan said.

"Pass the witness", Peter said.

Peter returned to the defendants table with the photo line up in his
hand, and he sat down looking at the line up. So John leaned over it, and he saw his photo that was taken by the Ft. Worth Police Department, and he had short brown hair. But then John noticed that the photos of the other five men in line up, were all photos of Mexican men, and not photos of caucasian men. I am a caucasian man of German & Irish ancestry.

"That is not right", John was thinking to himself. Peter stood up, and returned the line up to Duncan.

"Did you have a tape measure with you Susan?", Duncan asked.

"No sir. I didn't", Susan said.

"Is there any question in your mind that this is the man that attacked you?", Duncan asked.

"No sir. Theres not", Susan said.

"Pass the witness", Duncan said.

"No further questions of this witness", Peter said.

"You may step down", the judge said to Susan.

"Your next witness Mr. Thomas?", the judge said.

"Your honor, the State of Texas rests", Duncan said.

"What?", John asked himself. "I would think that they would present medical evidence, and a doctor's testimony proving that she was raped. The state felt the need to prove everything else", John was thinking to himself. John had been certain that a medical doctor who had examined her would be testifying today. You see it done in television cop shows, when there is a jury trial. "So why is there no doctor testifying?", John asked himself that day.

"Request a brief recess your honor", Peter suggested.

The judge granted a recess.
"Record will reflect that the jury has returned to the court room, defendant and counsel are present. Jurors you heard Mr. Thomas announce State rests, and so now it's the defendant's turn to offer evidence, make an opening statement, if he so wishes. Mr. Chamberlain?", the judge said with a question.

"Your honor, the defense at this time will rest and close", Peter said.

That statement right there pissed off John. He wanted his wonderful mother, his wonderful sister, Janice, Tina, Jesse, Jeanne & Heather called for witnesses, but Peter said that he didn't want to get them involved in the jury trial.

The judge sent the jury out while they prepared the courts charge, and the jury left out. Then the judge asked both counsel should the use of a deadly weapon be found. Peter pointed out that there is no evidence of a deadly weapon. Duncan said it has been stipulated.

They then had some more discussion about the charge of the court. Then the jury was brought back in.

"Jurors have returned into the courtroom, defendant and counsel present. It's my responsibility under the rules to read you the courts charge. This will be a reading for each of the separate cause numbers", the judge said.

So the judge read the charge first in cause number 15,538.

"Ladies and gentlemen of the jury. The defendant John Wesley Banos stands charged by indictment with the offense of aggravated sexual assault alleged to have been committed on or about the 25th day of June, 1989 in Hunt County, Texas. The defendant has pleaded not guilty.

Our law provides that a person commits the offense of aggravated sexual
if he intentionally or knowingly causes the penetration of the female sexual organ of another person by any means, without the person's consent, and if by acts or words such person places the victim in fear that serious bodily injury will be imminently inflicted on any person, or by acts or words occurring in the presence of the victim threatens to cause the serious bodily injury of any person. Such assault is without the other person's consent if the other actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat.

The term "serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ. A person acts intentionally, or with intent, with respect to the nature of his conduct or to a result of his conduct when it is his conscious objective or desire to engage in the conduct or cause the result. Intent can be inferred by acts done or words spoken.

A person acts knowingly, or with knowledge, with respect to the nature of his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the circumstances exist. A person acts knowingly or with knowledge, with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

Now if you find from the evidence beyond a reasonable doubt that on or about the 25th day of June, 1989 in Hunt County, Texas, the defendant John Wesley Banos did then and there intentionally or knowingly sexually assault Susan Shollowsworth by causing his sexual organ to penetrate the
female sexual organ of Susan Shuttlesworth without her consent, and the
defendant compelled Susan Shuttlesworth to submit or participate by
threatening to use force or violence against her, and Susan Shuttlesworth
believed that the defendant had the ability to execute the threat; and the
said defendant did then and there intentionally or knowingly by acts or
words place Susan Shuttlesworth in fear that serious bodily injury or death
would be imminently inflicted on her, then you will find John Wesley Banos
guilty of aggravated sexual assault as charged in the indictment", the
judge was saying. The judge said more, but John blocked him out, and
started asking questions. "No where in her statement does she say that the
man made her submit by threatening her. So they have no case then to prove
that a rape had taken place", John was thinking.

The judge got finished with that, and then he read the courts charge for
the kidnapping and unauthorized use of a motor vehicle. The judge then gave
the jury some instructions.

"Mr. Thomas are you ready to make States opening argument?", the judge
inquired.

"Yes your honor", Duncan said winsomely.

Duncan stood from his throne, and as he looked at the peasants in the
jury box, he could see that all of them had stars in their eyes, as they
gazed at his majestic being. He knew that some of them wanted to come and
kneel before him, and kiss his hand, but they couldn't do so here.

"Ladies and gentlemen of the jury, the judge has read to you the charge
in this case, and you get to take that back with you. You certainly don't
have to remember it, but that tells you the charge on three separate
offenses. Unauthorized use of a vehicle, aggravated kidnapping, aggravated
sexual assault. Now you remember early on, I told you yesterday. And today it was read into the record what we call a stipulation, where both sides are saying this happened. Nobody's disputing that Susan Shuttlesworth, her car was taken, that she was kidnapped, and she was threatened with serious bodily injury, aggravated kidnapping, and that she was sexually assaulted.

All right. The issue before you is did the State prove beyond a reasonable doubt that this defendant did it, and I submit to you, ladies and gentlemen, that's exactly what the evidence in this case proves.

If we'll go back through the testimony today, Bruce Hudson the first witness he told you how he met Susan Shuttlesworth early a.m. hours, took her to the emergency room, interviewed her; how on the 29th, about four days later he took a DETAILED STATEMENT FROM HER, how he had obtained affidavits from people which caused him to look for a shorter man and a taller man and a jean box, and how he had taken affidavits from witnesses around a Little Bit of Country. On July the 6th, he showed a line up to Susan Shuttlesworth. It was admitted into evidence. Each of you got a chance to look at it, and she positively identified this defendant. You heard how on July the 8th, when Officer Hudson interviewed Mr. Sutton, Thomas Sutton how they went and found the car. Two days—and you saw the photographs. The car was totaled because of the damage to it. Two days later, Officer Hudson went back out there, and he found Susan Shuttlesworth's purse in those tall weeds, and you saw a picture of that, and Officer Hudson made photographs and showed you some of the location on the maps, that they were introduced into evidence. Steve Guffy, coach up at Fannidel, he told you that when he came out about one a.m. from Little Bit of Country, Susan was sick in her car. He went and checked on her. Kim Garrett, she tells you
about two men coming to the back, whereas the party, after they'd closed, taller man, shorter man, jam box.

Jason White, Public Safety Officer in Commerce, then he was just an intern, he said at midnight that evening he saw this defendant walking around the square with Thomas Sutton. And then at one a.m. he saw these two down there. Fred Eaton did not testify. But there's testimony that he stopped these two, Sutton and Banos, identified them.

Thomas Sutton testified. He told you that I was with Banos. I was with him that night. We were down there, and that this defendant decided to take her car. He said he didn't get in at that time. Susan says that he did, but at that bank parking lot, there's no question that this man was driving her car, that he was driving it when they left from that parking area, and that Sutton was in the car at that time. You heard. She said she threw the keys, tried to get away. Sutton told you how he got them and brought them back, how he got in.

He felt threatened, but Thomas Sutton positively identified this man, this defendant, as taking her car and kidnapping, and he plead guilty to his PART IN THE KIDNAPPING. States Exhibit 24 is in evidence.

Susan Shuttlesworth, she testified. You saw her. You observed her. She testified that there's no question in her mind that this is the defendant that kidnapped her, attacked her, drove her around for over three hours before dumping her out in a field off Highway 11 in Hopkins County.

Ladies and gentlemen, the state has proved beyond a reasonable doubt that this defendant is guilty as charged", Duncan the master orator of the Lone Star State said to his admirers.

"Mr. Chamberlain", the judge said.

"Ladies and gentlemen, this will be my last opportunity to speak to
you, and then the state gets another shot at this. You will recall from when we were selecting the jury, we began to outline how this case might develop, and one of the things that you told me was that you would hold the state strictly to it's burden of proving the guilt of this individual defendant beyond a reasonable doubt; not that you would convict if he looked guilty.

I submit that in Susan's honest opinion, and I have not the slightest doubt of the honesty of her opinion that she's picked the right man, but you heard her testimony, and she said, no doubt in my mind; her opinion. But let's look at this. Look at the rest of her testimony. You saw Thomas Sutton.

You saw him seated. You saw him standing. You saw him testify that he's five nine. She's got him five six five seven. You heard the testimony of the various people about hair lengths, and although we cut through a lot of the horror of those three hours, I think you can realize the stresses and the problems with observations. You heard the testimony of the victim, and you heard the testimony of Coach Guffey, a pair of honest witnesses, regarding her situation, her condition that night, her ability to make the kind of an observation of heights and weights and hair lengths and the things that make up a description and identification. Are you not, the 12 of you, convinced on the basis of this evidence.

Now the state has proven that Thomas Sutton and John Banos were together in downtown Commerce that night, that my client was in the wrong place at the wrong time with the wrong person, but right in the middle of the states chain of proof is this dead skunk, Thomas Sutton. Thomas Sutton doesn't agree with the victim. Thomas Sutton is lying to you through his teeth.

Now an honest witness could be wrong about one or two things in their
testimony and still be believable, but a guy that says I got in the car all the way around the square from when the girl says he got in the car, and she knows when he got in the car. She knows when there were two guys in the car. I think she may have them switched. I think that's reasonable under these circumstances, when you start looking at the discrepancies in description and hair length and that kind of thing. And he says, well, he was trying to help her out. He was going over to the defendant's sister's house to report this thing. He never did. He had to admit that. He never did do that. He went home.

He never reported it. He was going to the sister's house up this way. The police station was closer than the sister's house. That's ridiculous. So Thomas Sutton's testimony has only one thing in it. Thomas Sutton at some point, apparently knows where the car is.

I submit that the reasonable inference from Thomas Sutton's entire demeanor here and his lying when it does him no good—i mean, we're not dealing with a guy that's on trial. The guy's already admitted to the part in the kidnapping and tells you he just admitted to car theft. Now that's ridiculous. I submit that he knows how, that he knew where that car was because he put it there after he got back from raping the girl. That's what happened. That is a reasonable deduction. That is at least a reasonable deduction from what happened. And all I've got to go on is deductions, because you take all of that testimony, and there's no reason not to say I got in the car where the girl says I got in the car, because he's already plea bargained out for that. Not on that; that doesn't make any sense.

Mother comes in and sees Johnny pulling on the dog's tail. Johnny, don't pull the dog's tail, and the kid looks up at her and says, what dog. No, no, no, no, no; think about that. I wasn't pulling the tail. I just was taking the
grass burrs out. It might fly, but that story Thomas Sutton told you
won't, wouldn't fly.

So what do we have? We have these two people, and they've known each
other for a couple of weeks, maybe ten days, couple of weeks. He thinks he
knows the guy's sister's name is Maryann, and you're going to pull a serious,
serious, serious type crime. Now, does it make any sense? Does the case make
any sense? You walk all over town with somebody, knowing you're going to pull
something this serious, no attempt to hide anything, and of course, you get
over to the parking lot and Thomas is talking about things, again, that
aren't what the girl saw. He's talking about things that aren't what he said
he saw, that aren't what he said he heard.

So what do we have here? We have an individual who is downtown with an
acquaintance. In this length of time, acquaintance is about, i think as far
as you could get, and here's the girl's car, and the girl, and here's the coach
checking on the girl, and here are these two people, and everybody sees them,
and instead of not trying to be seen--come now. You're going to go with your
acquaintance to the back door of the bar and ask, whereas the party?

If you were going over here and rob the bank across the street--oh, i
forgot; it's not there anymore. You're not going to go in, and you might
case the place, but you're not going to go in and identify yourself to the
teller. These guys identified themselves to the police department two days
before, and you've got an idiot sitting on the stand who contradicts
himself over and over and over again, and that individual i can believe,
pulls a couple of rapes from his own evidence, out of his own mouth, because
he hasn't got the sense to tell you the truth when the truth would serve him
better, but here we are now.
How many guys in the general build--you’ve sat here and looked at this gentlemen for a couple of days. And by the way, did you notice the description that Susan gave when asked to identify the individual? Do you see a beige shirt? Entirely possible, i submit on this set of evidence, that under the stress of this night’s ordeal, she gives a description that switches things.

She’s kidnapped; her car is taken; she’s raped. Is it not reasonable, considering what she herself said here today, and ponder her testimony very carefully, that she in all honesty thinks she has picked the correct individual and that she is satisfied in her own mind beyond a reasonable doubt, but that when you look at all the facts and circumstances of this case, you have a reasonable doubt as to what this individual, this defendant did or did not do on that particular evening. Thank you", Peter said as he made his final statement.

"Thank you Mr. Chamberlain. Mr. Thomas you may do the states closing argument. You have--i had you down for using three minutes", the judge said.

"Thank you your honor. Mr. Chamberlain says let be reasonable. Ladies and gentlemen, aggravated sexual assualt and aggravated kidnapping doesn't make any sense to me, and i don't think it makes any sense to you. I don't think someone sits around and plans. No one knows they're going to see a woman in her car ill, sick, with the keys in it and nobody else around. It's not logical to me or doesn't make sense to me or to you, but thats what happened. Mr. Chamberlain tries to say, well ignore the evidence. Let's ignore that Susan Shuttlesworth says thats the man. There was a taller man and a shorter man, and thats him. Let's, let's forget that. Let's forget Thomas Sutton's testimony that, he told me that he did it the next day. He told me, kicked me out of the car.
Ladies and gentlemen, you have to base—the charge tells you, we told you at the start of this case, you've got to base your decision on the evidence before you, not on something else. Hair; Mr. Chamberlain spent a lot of time talking about the lengths, shoulder length, collar length, medium brown, blond; this defendant can change his hair, but he cannot change his face.

On July the 6th, Officer Hudson showed her these pictures. There wasn't any maybe, or gee i don't know. She said that's the man, and that's this defendant. July 6th, what, ten days, eleven days from when this happened. If anybody was in the wrong place at the wrong time, i submit to you that it was Thomas Sutton, and you know i wish the state could pick and choose their witnesses. You know i wish Thomas Sutton had graduated from high school, but he didn't. He went to the tenth grade. You know, i, the state cannot pick and choose their witnesses.

He said he saw a KNIFE. Susan said she DIDN'T SEE A KNIFE. Does that make any difference? Sutton's in the car, or he said he didn't get in the car from the start. Does that make any difference? Is there a reasonable doubt about the identification? Do you remember on Monday when, i think Mr. Chamberlain was talking about the stipulation, and he said she said what happened. She's the one that knows. Do you remember that she said what happened? She's the one that knows. Susan Shuttlesworth, she came in and told you what happened.

Now luckily, there was a stipulation. She didn't have to go into gruesome and horrifying detail, but for three hours, this defendant kidnapped her, drove her around this county and Hopkins County and sexually assaulted her three times. Bruce Hudson i think he did his job as best he could in this case, and you heard his testimony. Officers Jason White, Fred Eaton, Susan Shuttlesworth did her part, as hard and difficult as it is. You
observed her. Did you see her shaking when she was holding those pieces of paper?", Duncan asked lieing to the peasants.

"Ladies and gentlemen you know, I wish you know you'd been there, so you'd be an eye witness. That's not what happened. Thomas Sutton was there, and he told you he gave Officer Hudson a statement. He told you what happened. You know is he wrong or is he right about when he got in the car? I don't know. I know that there's no dispute as to who it was that was driving the car or who it was that sexually assaulted Susan Shuttlesworth.

Ladies and gentlemen, I'd ask that you do your duty, and based on the evidence not on what I guess or what I think, but based on the evidence that was presented from the witness stand that is before you, is that you do your duty and that you find this defendant guilty of unauthorized use of a motor vehicle, aggravated kidnapping and aggravated assault--pardon me--aggravated sexual assault, because that's what the evidence proves beyond a reasonable doubt. Thank you", Duncan the master orator said as he finished speaking, and he could see that the peasants in the jury box had stars in their eyes for him.

"Thank you Mr. Thomas. Jurors before you go back, I notice one or two of you, or maybe more like to take notes, and I don't have any problem with that.

It helps me concentrate when I do it, but under the rules, you cannot use them when you retire to deliberate. If you have taken notes, if you wouldn't mind letting the bailiff have those when you go in, and he'll return them to you if you want them after the deliberations over.

The officer in charge, that the charge referred to is Mac here, the bailiff, and he'll have a seat out here, and if you need to communicate with him, as the charge says, just knock on the door and pass a note out,
whether you've reached a verdict or whatever the communication is. I'll get Mac to go in there with you, take the charges. You may want a soft drink or something before you start. As soon as all 12 of you have assembled around the table, then you can select your presiding juror and begin your deliberations. Thank you'', the judge said.

And then the jury went into the jury room to start.

There is no rule in the code of criminal procedure that makes any mention of jurors taking notes with them into the jury room.

Now under CODE OF CRIMINAL PROCEDURE § 36.25 titled written evidence it holds that: 'There shall be furnished to the jury upon its request any exhibits admitted as evidence in the case'.

So now if the jury can look at exhibits when ever they want to, then why are they prohibited from taking their own notes with them?

I will let you make your own conclusions.
VII

THE REAL CHALLENGE

Wednesday February 6, 1990 4:16 p.m.

Greenville, Texas

The real challenge is not to have
a guilty man found guilty.
The real challenge is to have an
INNOCENT MAN FOUND GUILTY.

An excerpt of a
statement given to
the news media by a
former District Attorney

A good prosecutor will have a guilty
man found guilty. A great prosecutor
will have an INNOCENT MAN FOUND GUILTY.

An excerpt of a
statement given by
Craig Watkins D.A. of
Dallas, Texas on NPR
Chapter seven

Admittedly though there was some men in the judicial circle, who were aware of such sinister beings seeking to infiltrate the judicial system, and they produced a unique sort of quasi-unwritten law, that one could employ to hopefully achieve justice, when they were entrapped in a web of judicial corruption. And we find this located in a book titled Corpus Juris Secundum Criminal law § 62 and it holds that;

There may be situations in which the conduct of law enforcement agents is so outrageous that due process absolutely bars the government from invoking judicial process to obtain a conviction giving rise to what has been called the OUTRAGEOUS GOVERNMENT CONDUCT, government misconduct or due process defense.

But with the American citizens being gullible, and added to that we have a government controlled news media working against the citizens, then it makes it very easy for the scum bags to get away with their sinister acts, while being disguised under a cloak of honesty and virtue.

"Did you get a good jury?", Bruce asked.

"Yes i did", Duncan said smiling.

"Did you give Peter a copy of the lab report analysis of August 9, 1989?", Bruce asked.

"Of course not. I am not that foolish, but i really wasn’t worried about Peter seeing them. I was worried about John seeing them".

"Why is that?", Bruce inquired.

"Because if he would’ve seen the Lab reports, then he might’ve changed his mind, and take the stand and testify, and then mention the lab reports, and then we might not get a guilty verdict", Duncan explained.

"That was a good idea", Bruce said.
"And it was a simple part for me to convince Peter to advise John to not testify at trial, and Peter fell for it", Duncan said.

"This conviction here will you get elected again when you run", Bruce said knowingly.

"Yes it will", Duncan said with a smile that would make Satan proud.

§ § § §

John was sitting at the defendants table reading a newly revised statement of misfortune that was produced by honest Bruce and virtues Susan. The drama gets more interesting. Peter saw that he was bored, and so he let John read it, and then i would have to give it back to him.

He forgot to write down the date of it in his notes, but in this one it says that the driver took away her eye glasses from her, because she was looking at him. And from her statement this incident took place long after Thomas was gone.

So John looked at his notes, and saw that Thomas had said he was present when the eye glasses were taken. During the testimony of each witness, John took notes on things they said that caught his attention.

And now Susan is saying that i wanted to go to Florida in her car, and that i had a brother there on a murder charge. "Wow", John thought.

And then she says that when the man put his penis in her, that it hurt her. Which means she is saying that i did it.

According to honest Bruce, he says that he took a detailed statement from virtues Susan on June 29. And the statement that i have that is signed by virtues Susan and honest Bruce dated July 7, 1989 and sworn to and before Justice of the Peace Harry Glyn Champion of the 2 Precinct place 1 and was, filed in the clerks office July 14, 1989, for some very strange
reason doesn't mention anything about the things i am reading here in this new one. "Gee, i wonder why?", John asked himself being sarcastic.

Then John had a new thought that was troubling. "If i was to tell people about this, would they believe it? I don't know?", John thought to himself.

A note came in from the jury, but John didn't know what they were asking for.

John saw an older woman standing by Ms. Shuttlesworth, and so he guessed it was her mother. And there was a man standing there as well, and he might be her boyfriend.

Then another note came in from the jury about a question that they thought Peter had asked, but the court reported checked, and it wasn't there.

"Okay. What do i do when the jury indicates they're fatigued? The rule is, it's clear that i cannot let them go home without you all consenting, unless you agree? I can let them go home. My option is putting them up in a motel", the judge said.

"Judge, i'm agreeable to let them go home", Duncan said.

"Let me clear that with my client, but i think it's--".

"John the jury is tired and they want to go home. What do you want to do?", Peter asked.

"Let them go home", John said.

"Let them go home", Peter said to the judge.

The judge gave the jury some instructions, and then he sent them home for the night to get some sleep.

And John was escorted back to the county jail, and he went to his cell,
and he took a seat on his comfort mattress, and was looking at his notes that he took during kangaroo court.

John noticed that Duncan and Mr. Black said that the transcript of the parole hearing that they had typed up, had 'a lot of mistakes in it'.

So if you are making a transcript of a recorded conversation, then you are to type out every word that is said. But if you edited words or phrases, then you are intentionally falsifying the testimony. So now you must treat all potential documents produced by these judicial individuals to be falsified in some kind of way.

John sat there trying to figure out what was going on, and why was this happening to him. And it was so bizarre, that he felt overwhelmed by the sheer weight of corruption taking place. So he laid down to go to sleep.

After tossing and turning, for what seemed like forever on his comfort mattress, John fell into a troubled kind of sleep, and he started dreaming.

He was walking across a desert land that was strange to him, but yet at the same time seemed quasi-familiar to him in a good kind of way.

Suddenly he heard some loud yelling taking place behind him, and he turned around to see about sixty kangaroo's looking at him with daggers in their eyes. And one was wearing a pink sucker suit, and he was holding in his hand a Black's Law Dictionary, and he yelled out loudly above the others, "Legal Fiction", "Legal Fiction", and then he said, "I am a great District Attorney".

So John started running as fast as he could, to try and escape the kangaroo's who were hostile to him, but he started stepping in hollowed spots in the sand, and his foot would sink in, but he would struggle to not loose his balance.
John looked over his shoulder to see where the kangaroo's were at, and he saw that they were arguing over who was the greatest.

He then heard the roaring of an engine of a car that was a car of justice, and he turned his head back to the direction he was running in, and he looked up ahead and he saw Mad Max's car spin out of control, and then it started flipping & rolling over and over. So John ran in that direction to help Mad Max, but he felt himself being hit with gavel's, that the kangaroo's were throwing at him in a vain attempt to prevent him from helping Max Mad.

But an unseen angel handed him a shield that has a red cross on it, with the word justice in blue embedded across the top of it. And John held up the shield once he received it, and used it to deflect the gavel's that the Enemies of Justice were throwing at him.

John reached the crest of the top of the hill, and he saw Mad Max on the other side of the car, and he saw that he was injured pretty bad. And there was a kangaroo with a cross bow in his hand that was approaching Mad Max, and John was coming up behind him to move in for a surprise attack, when all of a sudden the car exploded, and the combustion of the explosion threw John back wards, and John landed on his back, and he was dazed, with his head spinning along with stars dancing before his eyes.

He finally was able to set up, when all of a sudden the hand of a skelton of a kangaroo reached up from the sand of the ground, and grabbed John by his arm, and was pulling him down.

"Get ready for court John", said a voice over the intercom waking him up from his judicial inspired dream.
Thursday February 7, 1990 8:17 a.m.

Greenville, Texas

Under the State Bar Rules of Professional Conduct rule 3.09 titled 'Special Responsibilities of a Prosecutor' section (d) holds that;

Make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and in, connection with sentencing, disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal.

A conviction violates fourteenth amendment if it is obtained by use of perjured testimony which prosecution knows to be false or later discovers to be false and allows to go uncorrected, the court in U.S. v. TAYLOR 648 F.2d 565 (9th Cir. 1981) held.

John walked into the 354th Judicial kangaroo court of injustice, and was informed by Peter that the jury was already in the jury room deliberating. So now that the trial was over, John was not sure where he should sit at. So he went to the jury box, and sat down in the first seat right by the jury room door.

He wasn’t sure how long he had been sitting there, when he could hear some loud yelling coming out of the jury room, and then John heard a voice say loudly above the other voices, and it was the voice of a woman, and she said, "This is why i think he is innocent".

That right there gave John a surge of hope flowing into his spirit that justice would prevail today in this foul court room.

John noticed that everyone in the court room also heard that wonderful
voice, and then John saw Peter saw something to Ms. Letha Gasway the
court reporter, but he couldn't hear what was said. And John had his ear
 glued to the jury room door, to try and hear more good news coming out of
the jury room. So he wasn't interested in what Peter was saying to Ms.
Gasway. But he did respond to Peter's question about the loud yelling.

The bailiff named Mac came over to John to inform him, that he has to
move to the other side of the court room. Obviously Duncan didn't want me
to hear what was being said.

So John was told to sit down on a bench that placed Ms. Shattlesworth
and her mother directly behind him. He really didn't want to sit there, but
he did. He didn't see her boyfriend there with her today.

"John will you accept a plea bargain for twenty years?", Peter asked him a
while later.

"No", John said.

"Will you accept ten years?", Peter asked.

"No", John said.

"Will you accept five years?", Peter asked.

"No", John said. He wasn't about to plead guilty to anything. He is an
innocent man, and it was an insult to his manhood, for these scum bags to
accuse him of such filthy conduct.

The judge sent the presiding juror a note asking him, does he think that he
would be able to reach a verdict. John didn't learn of his answer.

Then later on another note was sent out requesting to go out for lunch,
so the jury went out for lunch. And then they returned again to start
deliberating again.

At high noon a verdict was reached in BANOS V. STATE case.
"We have reached a verdict? Before they come out, let me read all the notes. The first note i, i sent out, i'm in no way trying to hurry you up, but at this point in your deliberations, do you believe you would eventually reach a verdict? Please answer yes or no without any other comments, and the yes blank was checked, and then it came out the same time as the second note i sent in, Mr. Presiding Juror, would the jury like to go lunch now, and instead of answering yes or no, they say we have reached a verdict. Are you ready counsel?", the judge asked.

"States ready your honor", Duncan said.

"Defendants ready your honor", Peter said.

"Bring the jury in", the judge said, and they came in.

"Mr. Presiding Juror, i have your note that we have reached a verdict. Is that correct sir?", the judge asked.

"Yes sir", Robert said.

"All right. Would you hand the verdicts to the bailiff please. Let the record show that the jury has returned into the courtroom, defendant and counsel are present, Mr. Thomas for the state. In cause no. 15,540 which is the aggravated kidnapping charge, on the verdict sheet signed by Mr. Boles as the Presiding Juror, we the jury find beyond a reasonable doubt that the defendant John Wesley Banos is guilty of the offense of aggravated kidnapping as charged in the indictment. Is that correct Mr. Presiding Juror?", the judge asked.

"Yes sir", Robert answered.

The judge said the same thing on the two other offenses, and received the same reply from Mr. Boles.

The judge then gave the jury some instructions, and then he released them
from the court, and they left the court house. The judge then scheduled the sentencing hearing to be held at one thirty.

So John went back to the county jail, and then returned in time for the next kangaroo act.

"Your honor, we would call Brenda Sue Shuttlesworth", Duncan said.

"Do you want to waive an opening statement?", the judge asked.

"Yes sir", Duncan said.

"Mr. Chamberlain?", the judge asked.

"We'll waive opening", Peter responded.

"All right. You can come up now", the judge said.

"Judge, this witness has not been sworn", Duncan said.

So she was sworn in by the clerk of the court.

"Ms. Shuttlesworth, would you state your full name please", Duncan said.

"Brenda Sue Shuttlesworth", Brenda said.

"All right. And where abouts do you live right now?"

"Right now I live in Granbury, Texas".

"All right. And back in June of last summer, 1989, where were you living then?"

"In Commerce, Texas".

"All right. And are you related to Susan Shuttlesworth, the victim in this particular case?"

"Yes sir. I'm her mother".

"All right. And I'll ask you back at that time in Commerce, back in June of 1989, was she living there with you?"

"Yes. She was living at home".

"All right. And who else lived in the household?"
"Her--my other daughter Sandy and my son Jason and my son Charlie and my husband Tommy", Brenda said.

"And I'll ask you, prior to all of this happening, this aggravated kidnapping, aggravated sexual assault and unauthorized use of a vehicle, was your daughter working?", Duncan asked.

"Yes".

"She had a job?"

"Yes".

"Did she have any, prior to all this happening, did she have any emotional difficulties or problems?"

"No".

"Was she--seem well adjusted and happy?"

"Um-hum".

"I'll ask you, did you, after this occurred--now, when did you find out about this happening?"

"Um, at six o'clock on Sunday morning, the 25th".

"All right. And did you accompany your daughter to the hospital or meet her at the hospital?"

"We met her at the hospital".

"Would you describe her emotional state at that time?"

"Um, she was very distraught. She was almost in a state of shock".

"Your honor, I believe the testimony is largely irrelevant, because it would be reasonably expected that a person in this undisputed situation under the stipulation would be in a distraught condition", Peter said.

"Do you want to make a response Mr. Thomas?", the judge asked.

"Your honor, under the article 37.07, subsection three, subdivision A of the
code of criminal procedure, this provision amended last session, and now it reads regardless of the plea and whether the punishment assessed by the judge or jury, evidence may, as permitted by the rules of evidence, be offered by the state and defendant as to any matter the court deems relevant to sentencing, and then it goes on to include the language that's always been there, including prior criminal record of the defendant, his general reputation and his character your honor. The injury, the harm to the victim in this case is certainly a relevant issue, and I think this court should find that relevant and allow this type of testimony", Duncan the master orator of legal fiction said to the kangaroo judge.

TEXAS CODE OF CRIMINAL PROCEDURE § 37.07 (3)(a)(1) holds that information can be provided that applies to the defendants conduct. Now where in this section does it say anything about psychological state the complainant might be in.

"Objection overruled", the judge said.

"May we have our exception", Peter said.

"All right. Ms. Shuttlesworth, she was living at home at the time?"

"Yes sir".

"All right. Did you take her on home that day?"

"Yes. We--after they finished".

"All right. They did the examination?"

"Um-hum".

"Did you observe any change in your daughter as before this happened to after?"

"She was very nervous after it had happened. She was afraid to go out alone. She would not go anywhere alone, daytime or evening, except to
work and back. Of course, most of the time we drove to work and back together, but she--it was just very hard for her to get out and be in a crowd.

"All right. What about her ability to sleep in the evenings?"

"I don't know if there was that much. I mean, I think she--I don't think that if affected her sleeping that much."

"All right. But she would not go anywhere alone?"

"No."

"Daytime or nighttime after this happened?"

"Right. And you could tell, in a crowd, she would get, I mean, you could tell when she was getting upset."

"She would get upset?"

"Very."

"When she was around other people?"

"Um-hum."

"Has your daughter, did your daughter go to counseling?"

"Yes."

"Because of this?"

"Yes."

"All right. Is she still undergoing counseling?"

"She is going to start again."

"I'll pass the witness."

'Mr. Chamberlain', the kangaroo said.

'No questions your honor', Peter responded.

'You may step down', the kangaroo said.

'We'll call Susan Shuttlesworth to the stand', the other kangaroo said.
"Susan you heard, you just heard your mother's testimony?"

"Yes sir".

"And she said that, what she told the judge, that's correct. Is it not?"

"Yes sir".

"And how long after this happened did you go to counseling?"

"Until December".

"Until--so this happened in June, so you went July, August, September, October, November, December?"

"Yes sir".

"And did that help? Did it help some what with the problems that, that occurred because of this?"

"Yes sir. It did".

"All right. And has having to go through this trial, has that, have the problems resurfaced?"

"Yes sir".

"All right. Tell, the the judge how this affected you. Well, let me ask it a different way. How did it affect your nerves as far as after this occurred?"

"I was nervous in crowds and around people. I didn't like to be alone", Susan said.

"Okay. Would you go anywhere by yourself?"

"No sir".

"Daytime?"

"No sir".

"All right. Did this occurrence affect the relationship with other people?"

"Yes. It did".
"And I'll ask you specifically, your boyfriend at that time, was Michael Scott?"

"Yes sir."

"And has that relationship terminated?"

"Yes. It has."

"Objection. No showing of relevance, no showing that it has anything to do with this", Peter said.

"Judge if I could ask one more question", kangaroo said.

"I believe Mike Scott's been excused, so there's no way that can be developed", Peter said.

"Judge I believe she can state her opinion as to the reason", kangaroo said.

"Objection overruled", the robed kangaroo said.

"Susan, the reason for that break up?", kangaroo asked.

"What happened in June", Susan said.

"Objection. I do not believe that this witness, while I accept her sincerity in this opinion, has the technical competence to make this particular judgment, and I think that it would have to be, that Mike Scott's testimony rather than hers would have to be the best evidence on this", Peter said.

"I'll overrule the objection, and we'll let you argue as to weight given it", the robed kangaroo said.

"And I need to preserve that one, so I'll have to move for a mistrial", Peter said.

"Susan, I'm going to show you what's been marked as State's Exhibit 21, and I'll ask you if you can identify that?"
"Yes. I can".

"And what is that?"

"That's the statement I gave Officer Hudson".

"All right. And this is the statement that you gave him, the detailed statement that you gave him back on the 29th day of June, 1989?"

"Yes sir".

"And does this statement fairly and accurately set out what happened to you immediately before this happened and then during the three hours that you were in the custody of the defendant and then how you walked to get help?"

"Yes sir".

"Your honor we're going to offer State's Exhibit 21 now".

"Objected to as to and only as to certain parts of that statement which are not statements of what the victim knows, but are statements of other people as to other events at other times which may or may not be true, there being no evidence on them, it being that distinction between, I was told something and this is a fact as to whether that's, those statements are admissions.

Those statements could be lies to Susan, not lies by Susan, lies to Susan, to the victim here, and I think they're highly prejudicial. They involve some extraneous alleged offenses, that as far as I know never happened", Peter said.

"Well, what you say may well be, and how am I going to know which parts you're talking about", the robed kangaroo said.

"That's correct", Peter said.

They then discussed what should be allowed into testimony, and the judge suggested that the court would disregard any suppose to be made statements
that John made to Susan. And they discussed what other evidence should be considered.

"Susan is it true that you’re going to have to start up with your psychological counseling again?", kangaroo asked.

"Yes sir".

"Where are you going?"

"ET".

"East Texas State University?"

"Yes sir".

"And State's Exhibit 21, the statement that you gave Officer Hudson back on the 29th of June, 1989, if i were to go through this whole ordeal, step by step, the ANSWERS that you would give me are what’s in that affidavit. Is that true?", kangaroo asked.

"Yes sir".

"Pass the witness".

"Mr. Chamberlain?", the robed kangaroo asked.

"No questions your honor", Peter said.

"Your honor, the penitentiary packet having been admitted and also State's Exhibit 21, the state would rest at this time", kangaroo said.

"Mr. Chamberlain, do you want to make an opening statement?", the robed kangaroo asked.

"Your honor, i do not plan, as things now stand, to call witnesses on this matter, and with that, i think we can therefore rest and go to closing", Peter said.

John wasn’t surprised at his lawyers action.

"All right. Mr. Thomas closing arguments", the robed kangaroo said.
History records and says that Demosthenes was one of the great orators of ancient Greece.

But if the people across America was to be honest with themselves, and they would acknowledge and admit that Master F. Duncan Thomas District Attorney of Hunt County, Texas, is the most eloquent orator ever to walk upon the face of the earth, and then every one would be permitted to kneel before him and kiss his hand with stars in their eyes for him.

Duncan started his oration and he knew that Judge Richard Bosworth wished he could speak as well as him.

"Judge, the jury has found this defendant guilty of unauthorized use of a motor vehicle, aggravated kidnapping and aggravated sexual assault, and your honor I don't think that any offenses can be as violent, as degrading, as horrible as an aggravated sexual assault. And I know that the court has read through State's Exhibit 21, but for purposes of argument in that exhibit, Susan Shuttlesworth said, he pushed me down to lay me down. He got on top of me. He tried to kiss me, but I would not kiss him back. He only kissed me on my mouth. While he was trying to kiss me, he was touching me on my breast. He tried to put it in, but he could not. He got mad because he thought I was a virgin, because he could not get it in. He forced it in. He came, and he immediately got off me. He then told me to get up in the front seat and get dressed", the kangaroo went on some more that she was terrified for three hours, and then dumped her into a field, etc...

And then Peter spoke not saying anything to help John's cause. But Duncan was now ready to be very eloquent for the court.

"Your honor, a person that, while still on parole steals a car ought to receive the maximum twenty years. A person on parole that commits an
aggravated kidnapping should receive the maximum, and Mr. Chamberlain
tries to say one criminal transaction, but your honor, this defendant
sexually assualted with the threat of a knife. I've got a knife and you
better do what i say--it's in her affidavit--threatens her with a knife,
sexually assualts her three times, and then after, when he dumps her in a
field he says. If i turn him in he would come back and kill me", and the
kangaroo went on with his rant. So he got done, and now act two everyone.

"The defendant, in cause number 15,538 is sentenced to ten years in the
Texas Department of Corrections, the Institutional Division".

"John", John heard a voice yell out loud in the court room.

John turned his head to his left, and he saw Brandy standing behind
Ms. Shuttlesworth, and there was tears pouring down her eyes.

Brandy was his brother Charles's girlfriend, and they both had been
coming up to the jail to visit John, and he told her about his case. And
so based on what John told her, and his characteristics that she saw in him,
she reached the conclusion that John was innocent of the charges made
against him.

"Look at the judge", Peter said.

So John turned his head back to look at the robed kangaroo. John
definately felt like that he was in the twilight zone.

Duncan had gave the court a false statement, and that in the June 29th
affidavit taken by Ms. Shuttlesworth, she said that she was threatened with
a knife. But at jury trial she said that she never saw a knife. And the judge
said that he had read her affidavit, and so that means that he is fully aware
of the fact that there is some major lying going on.

So since she signed the affidavit, that means then that she is conspiring
with Bruce and Duncan to commit perjury for the sole intent to violate my right to due process of law, and to justice.

"In cause number 15, 540, the defendant is sentenced to thirty years in the Texas Department of Corrections, Institutional Division".

"And the judge is letting them get away with this. I thought this was all about law & order, and justice?", John thought to himself.

"In cause number 15,539, the defendant is sentenced to sixty years in the Texas, to the Texas Department of Corrections, Institutional Division. Anything else that we need to address at this punishment hearing?", the robed kangaroo asked upon rendering the illegal sentencing.

John turned to look to his left, and he saw that Brandy was gone. "Well, Brandy is gone, and justice is dead", John thought to himself.

Sunday February 17, 1990 9:12 a.m.

Greenville, Texas

"I have taken everything that you have told me, and I have put it into an affidavit. Now I want for you to read it, and see if you agree with what is written", Peter said.

"Okay", Mrs. Samples said.

"I was one of the jurors who served on the jury in the trial of JOHN WESLEY BANGS, the defendant in each of the above numbered and styled cases, being selected Monday, February 5, trying this case Tuesday, February 6, and having jury deliberations Tuesday, February 6, and Wednesday, February 7, 1990. The jury deliberated for approximately seven (7) hours until shortly after noon Wednesday, February 7, 1990, after the court sent a note asking in substance, whether we thought we were deadlocked or could reach a verdict."
Guilty verdict. At approximately 12:10 p.m. Wednesday, February 7, 1990, a verdict of guilty was voted, after another juror and I who had held out for acquittal were prevailed upon by the foreman and other jurors to change our votes. As hereafter set out, I now believe that we should have held out indefinitely.

Creation of this affidavit. After this verdict, substantial doubts and problems which I had with the evidence and the jury deliberation process returned to trouble me, at which time I initiated telephone contact with Peter S. Chamberlain, the defendants attorney, and after reaching him by telephone, stated to him, in substance, that I had problems with the case and verdict, and that I wanted to talk further with him concerning the possibility of the defendant obtaining a new trial. Thereafter, I contacted the defendants attorney several other times, set up an appointment with him, and met with him at some length at his office on Saturday, February 17, 1990, at which time we discussed this case at length, and worked on this affidavit.

I read it carefully on the word processor screen and we discussed and made changes in it. Peter S. Chamberlain organized and phrased this affidavit based upon our conservations while he was reducing my thoughts expressed to him to writing, and I reviewed it at least twice to be sure that it was an accurate statement of what I had told him. I was not told what to say.

Presiding Juror's Comments on Defendant's Failure to Testify. The Presiding Juror a man, stated to us that we either had to believe the victim or the defendant. Because the defendant had elected to assert several times, had the effect of a comment upon the defendant's not having testified in his own defense, contrary to the courts charge.

Other Juror's Comments on Defendant's Failure To Testify. Two (2) lady
jurors and one elderly male juror also commented during deliberation upon the defendant's failure to testify and "defend himself", which had the effect of comments upon the defendant's not having testified in his own defense, contrary to the courts charge.

Evidence of Newspaper Influence. On the second day of jury deliberations, one (1) male juror stated that Susan was asleep in her car in a parking lot in Greenville and that she was immediately able to grab the keys from her ignition and throw them out. Juror BECKIE WEEKS and I corrected him.

Thereafter, reading the Greenville Herald Banner of February 7, 1990, I noticed that said newspaper's account of this trial had at one point, made this very same error, placing the events in a parking lot in Greenville, when it was clear from the evidence that the events occurred in Commerce, instead. I did not hear this error made by any witness in court during the trial.

Juror Argued That New Trial Would Cure Mistaken Conviction. One lady juror urged this juror and another who had held out for a not guilty verdict to vote guilty by arguing that "If he's [the defendant is] innocent, he'll get a new trial".

Juror Discussion of Parole. The same lady juror, further urging this juror and another who had held out for a "not guilty" verdict to vote "guilty", argued, "How long do they spend in jail for serious crimes nowadays anyway?"

Someone Should Pay Argument. One lady juror, who worked at a bank, announced in deliberation that they were not leaving without one of the boys paying for the crime, and if SUTTON, who she mentioned had plea-bargained his way out of it, wasn't going to pay for it, "BANDOS was".

Pressure. I [Affiant] felt pressured by other jurors, and felt that the Presiding Juror failed to protect us from such pressures and in fact added
to these. This reached it's peak after we returned after hearing
testimony read back to us Wednesday morning, and involved a lot of yelling
and screaming at me and the other juror who was holding out for acquittal. The
pressure and the Presiding Juror's insistence, as noted in paragraph number 5
above, that we must believe either the girl or the defendant, eventually
resulted in my changing my vote to "guilty" against my better judgment.

Primary Problems with Identification Evidence. I do not believe that the
state ever proved beyond reasonable doubt that Susan Shuttlesworth could and
did see well enough to make a positive identification of this defendant
JOHN WESLEY BANOS as her assailant beyond our reasonable doubt. We noted that
the state's witness Coach Guffey had testified that she was out cold about
that time, contrary to her testimony. I did not believe that she was fully
awake until about the time the car reached the bank parking lot, where she
tried to escape. The witness SUTTON testified that the victim was complaining
that she could not see and asking for her glasses which SUTTON said BANOS would
not give her. We noticed that the victim was wearing contact lenses in court.

I noticed that she had given a statement describing her assailant as
having "blond medium brown hair", and observing the defendant's hair in
court, being DARK BROWN, found it significant that one would be unlikely to
mistake it for blond. Her testimony about hair length indicated considerable
confusion which was not explained by the evidence. I did not believe,
considering the evidence, that she had been shown to be able to determine
the heights of the two males accurately, or to make a positive identification
of this defendant.

Victim's Ordeal & Honest Belief Accepted. I do not mean to be understood
as questioning the victim's honesty or that the kidnapping and sexual
assault occurred as alleged, all of us being firmly convinced that she was truthful to the best of her ability and that this ordeal did occur, but the evidence left me with a reasonable doubt as to her ability to identify her assailant and, therefore, of the identification of this defendant as the assailant.

Sutton Not Believable. Observing the witness SUTTON and considering that he contradicted himself repeatedly, I did not believe SUTTON on any genuinely contested issue of fact, and doubt that any juror could or did base a decision upon his testimony.

Juror Beckie Weems. I have conferred with juror BECKIE WEEMS, who had also held out for acquittal in this case. She has indicated to me and others that she now believes, as I do, that we made a terrible mistake by allowing ourselves to be persuaded to forego our position that the state had not proved this defendant was guilty beyond reasonable doubt. Juror WEEMS was told by the majority and the foreman that if she believed, as all jurors did, that Susan Shuttlesworth was indeed kidnapped and raped, and her car stolen as alleged, then the vote would be guilty. She got nervous and changed her vote to guilty. After the poll showed all twelve (12) votes were "guilty", then she close to tears said, "I've got to change it. I don't believe he did it". Then jurors started yelling at her again. One lady juror told her "You've already voted, you can't change it". BECKIE WEEMS, the foreman, and I all said, "yes you can". After more loud argument and pressure, I had already given up, and juror WEEMS gave in and again voted "guilty".

Observations of Defendant in Court. Because of my reservations about the verdicts, I watched the defendant's reactions to the verdicts carefully. After the verdicts were announced, I noticed that this defendant's expression
indicated momentary shock and surprise that we had found him guilty, which was quickly hidden. I noticed that he looked down and started doodling again as he had done constantly during the trial. I had noticed that he only seemed to come alive during the testimony of the witness Sutton, and that he had no apparent reactions during the testimony of the victim.

"Yes that is a correct rendering of what i want to say", Mrs. Samples said.

"All right. We will go over to the clerks office, and have your affidavit notarized, and then i will file a motion for a new trial, and when the judge schedules a hearing on the motion i will notify you", Peter said.

"Okay. Both me and Mrs. Weems are ready to testify, and tell the truth of what happened", Mrs. Samples said.

Wednesday February 20, 2014 11:13 a.m.

"Here is a copy for you of an affidavit signed by one of the jurors. She contacted me the day after your jury trial, and she said that she was pressured by the other jurors to change her vote from not guilty to guilty", Peter said as he handed John a copy of the affidavit.

"So what will this affidavit do?", John asked.

"I will be filing a motion for a new trial, based upon jury misconduct, and i will try to get a new trial granted", Peter said.

"When will we have a hearing on this?", John inquired.

"I don't know yet, but when i find out, i will let you know. And i heard a rumor that Susan's boyfriend broke up with her, because she told him that she wasn't raped", Peter informed John.

At this point nothing surprised John any more, because when you are in the twilight zone, anything is possible.
Wednesday March 20, 1990 9:17 a.m.

Greenville, Texas

John was summoned by the kangaroo elites to grace the kangaroo court with his presence, so that his education in judicial corruption could continue.

The robed kangaroo and the kangaroo known as the D.A., and his lawyer had a verbal discussion about the issue of a request for a new trial. The witnesses were then sworn in to tell the truth. And Peter called his first witness.

"Ms. Samples, will you state your name for the record", Peter said.

"Desma Drema Samples".

"Were you one of the jurors in the John Benos trial that went on, started the fifth, and trial went on sixth and seventh of February over in the other court room here".

"Yes sir. I was".

"Judge i didn't specifically state it, but also our objection to this testimony be considered under Rose versus State, if the court could carry that objection so i don't have to object to every witness", kangaroo asked.

"You have that preserved", the robed kangaroo said.

"Ms. Samples, you did vote at the conclusion of deliberations to go along with the guilty verdict. Is that correct", Peter asked.

"Yes sir. That is".

"Um, thereafter, when did you first contact me?"

"The next morning".

"Your honor, we're going to object. The issue goes to, if i understand his motion, is that there was undue influence during the deliberations that occurred during the deliberations, and her thought process and what she
did after ward is just not relevant Judge", the kangaroo said.

"Okay. Now you have a running objection to that. What i propose to do is
 go ahead and, and get his side on the record", the robed kangaroo said.

"All right", the kangaroo said.

"Did you in fact initiate that communication or did i?", Peter asked.

"Oh, i did".

"Uh, did we then talk on the telephone?", Peter asked.

"Yes sir".

"Your honor do i have a running objection to this line of questioning? It
doesn't have anything to do with what went on in the jury room", the
kangaroo said whining.

"Is this just preliminary?", the robed kangaroo asked.

"Your honor this goes directly to an issue sought to be raised in the
State's written response in which they have, in effect, accused me of
creating this testimony", Peter said.

Duncan in his response said that, because it is ridiculous to believe that
these two peasants were not smitten by his orator skills. He looked in their
eyes, and all of them had stars in their eyes for him during jury trial, and
so it is obvious that Peter out of silly jealousy was making all of this
up against him.

"Are you--is that--".

"Judge i think what Mr. Chamberlain's referring to is the affidavit thats
on file by Ms. Samples. We objected to the--the court has said that he read
it. It looks more like Mr. Chamberlain's words than Ms. Samples, and theres
a lot of legal arguments there, and Mr. Chamberlain had advised us, and i'm
sure advised the court, that he took down what she said and added his own
legal arguments to it. It's all interposed judge, but that just goes, that's just for the court to decide what to do, and I don't think we ought to be wasting our time as to how that affidavit occurred. The issue is what happened", the kangaroo said throwing a hissy fit.

"Proceed Mr. Chamberlain. You have your objection", the robed kangaroo said.

"Ms. Samples do you have a copy of the affidavit?", Peter asked.

"Not with me", Drema said.

"Do you happen to have reviewed it?", Peter asked.

"Yes".

"Request permission to approach the witness with this exhibit", Peter requested.

"Judge we're not going to object to all of the affidavits that are on file with the court being admitted into evidence for the purpose of this hearing", the kangaroo said still frosted at the things said in that foul affidavit about his majestic presentationalism court act.

"Do you want to offer that?", the robed kangaroo asked.

"I'll offer what's defendant's A for this hearing", Peter said.

"Judge, and we'll offer Exhibit A, B and C attached to our controverting affidavit which were affidavits from other jurors", the kangaroo said whining.

"I believe their appropriate time of offer will be when they testify, but when they do I have no objection", Peter said.

"Defendant's A is admitted", the robed kangaroo said.

"Ms. Samples, we sat down in my office and hashed this affidavit out at some length?", Peter asked.
"Yes one Saturday."

"Just so the court will understand the mechanics of how we did this, you were sitting at my desk most of this time?", Peter asked.

"Yes, unless I was reading it", Drena said.

"When you say reading it, were you reading that off the screen?"

"Yes sir."

"And I was actually doing the typing and things in addition to talking to you and going over various issues?"

"That's correct."

"The, didn't we, didn't I add the headings and things, numbers and things of that nature late in the process and have you review it again?"

"Yes. Yes. I reviewed it several times."

"Did we, in the course of doing that affidavit, make a number of changes to make sure that it accurately reflected what you were telling me?"

"That's true. There were several things you had gotten wrong that I corrected you on."

"Did I let you pretty much tell your story prior to our drafting the affidavit, or pieces of it?", Peter asked.

"When you see the other attorney stand up, it means an objection is coming, so wait for me to rule on it before you answer", the robed kangaroo felt the need to say now.

"Judge we object. Counsel is leading the witness", the kangaroo said.

"Sustained", the robed kangaroo said.

"Have you had occasion to review this affidavit in preparation for your testimony?", Peter asked.

"Yes sir", Drena said.
"Is there anything in the affidavit that calls for a factual correction or refinement at this time, that you know of?", Peter inquired.

"Not that I know of. I need to ask you a question on one, if that can be done?", Drema asked.

"Yes", Peter said.

"Okay", Drema said.

"Is that permissible your honor?", Peter asked.

"If there's no objection", the robed kangaroo said.

"What paragraph are you on?", Peter asked Mrs. Samples.

"I've just got to find it. Okay. Number five", Drema answered.

"We're in paragraph five. The witness is asking a question about paragraph five, page three of the affidavit. Go ahead", Peter said.

"Okay. This is about the jury foreman", Drema said.

"Right", Peter said.

"Okay. Is this stating that I said he said about not testifying--".

"Not having to verify?", Peter asked interrupting Drema.

"The jury foreman helped me tell them that you cannot hold this against him", Drema said.

"I understand. If I understand this correctly, when we prepared this, the statement that we're talking about being repeated is that you had to either believe the victim or the defendant?", Peter asked.

"Um-hum", Drema said.

"I don't have your question. If you would ask a question for the court?", Peter said.

"All right. It said--".

"In what paragraph?", the robed kangaroo asked.
"Paragraph five, page three", Peter said once again.

"We believe the victim because the defendant had elected to assert his fifth amendment, okay? One of the jurors said that, but the jury foreman helped us to say you cannot hold that against him", Drema said.

"Okay. So this, the jury foreman did tell you to not hold this against him, rather than telling you to hold this against him?", Peter asked.

"Right, right", Drema said.

"I stand corrected, and that is--I appreciate the witnesses pointing out the error. The court is, of course, familiar with the difficulties of affidavits, and that's why we use live testimony here. Was there, however, discussion in the jury room of the fact that the defendant had elected not to testify ever?", Peter stated with a question.

"Yes sir".

"Wait for a possible objection on this question. Did any of the jurors express to you the view that this was evidence that should be weighed in the scales in deciding guilt or innocence?", Peter said prophesying.

"Your honor, we're going to object. Counsel's leading the witness", the kangaroo said lying.

"Your honor, it calls for a straight yes or no answer. I haven't told him what to say at all", Peter said rightly.

"I believe it's leading Mr. Chamberlain", the robed kangaroo said joining together in harmony with his fellow kangaroo soul mate, and lying.

"Referring to paragraph six, the affidavit, page three", Peter said.

"Yes sir", Drema said.

"Is that statement a fair statement of what you told me?", Peter asked.

"Yes sir. It is".
"Okay. Now come down about halfway down that sentence through, defend himself. Tell the court briefly in your own words how we arrived at that language about the effect of this comment?", Peter asked.

"Your honor, we're going to object. I don't see how Mr. Chamberlain and Ms. Samples thought process at some time later after the jury deliberation has any relevance to what happened during the deliberations. I think she can testify as to what happened that day. I mean, I don't think she can legally, because I've got a bill on that, but you know, how Mr. Chamberlain and Ms. Samples sat down and wrote out an affidavit, we don't see how that's relevant", the kangaroo cry baby said.

"Mr. Chamberlain, the purpose of this question?", the robed kangaroo asked.

"The purpose of this question your honor, is a direct response to page five of the state's response to this motion", Peter responded.

"I'll overrule the objection", the robed kangaroo said.

"Answer the question, if you can", Peter said.

"I'm sorry. You'll have to repeat it", Drema said.

"We were discussing, they were trying to tell us what the, the reason that we should vote guilty, and one man stood up, or, and said that he's guilty, or he would have taken the stand in his own behalf. Was it stated or was it not: stated in deliberations that you either had to believe Susan Shuttlesworth or you had to believe John Banos, or you had to believe the victim or the defendant, or something in that effect?", Peter asked.

"Yes sir".

"That, that stated more than once?"

"It was stated several times".
"By one juror or more than one, without identifying?", Peter asked.

"It was more than one".

"Was that something that was corrected, or was that never really corrected in the--was it corrected or not by the other jurors? Yes or no".

"By the--that he was either guilty or not guilty?", Drema asked.

"Did anybody challenge that statement that you just testified to, other than you?", Peter asked.

"Yes. I believe Becky Weems said that. Let me think. Becky Weems--".

"Anyone else? Don't get into who, because that's getting into another problem", Peter stated.

"No".

"Is it or is it not a fact that a lady juror stated, as you've set out in paragraph nine, how long do they spend in jail now a days anyway?"

"Yes sir".

"Or words to that effect?"

"Yes sir".

"Was there or was there not a shouting match toward the end of that deliberation process?"

"Definitely".

"Would this be characterized at this point as a reasonable deliberate process, or was this something else?", Peter asked.

"Judge he's leading the witness again. We object", the kangaroo liar said.

"Sustained", the robed kangaroo said.

"Were you pressured into changing your vote to guilty?", Peter asked.

"Yes"

"We did not--i did not have the jury polled immediately upon your return
to the court room and announcement of the verdict -- ".

"Your honor, i'm going to object to that statement. It's my understanding the court asked the jury if it was their verdict, and they all raised their hand yes", the kangaroo liar said.

"Well, either that was not a question, or it was not finished yet", the robed kangaroo said.

"It was not finished", Peter said.

"If you'll hold up on your objection until he finishes", the robed kangaroo said.

"Let me scratch that question. When did you reach the position that you had substantial regrets about your vote?", Peter asked.

"Your honor, we're going to object. That's not relevant as to when she changed her mind", the kangaroo cry baby said.

"Sustained", the robed kangaroo said.

"Okay. Ms. Samples, tell the court briefly, in your own words, why you voted guilty in this case?", Peter asked.

"During the last few hours that we were in there, there was a lot of shouting and a lot of arguing going on, and when I kept saying that I still don't believe that they have shown beyond a shadow of a doubt that he's guilty, she said, you either have to believe--do you believe that Susan Shuttlesworth was abducted, that her car was stolen, and, and I said yes, and they said, well you either believe her or you believe John Benos, and if you believe that she was raped, he's guilty. He said that's what we're basing all of this on. They said, you either believe her or you believe him, and I kept saying, I still cannot find any reasonable doubt that he is guilty, and after listening, and I had my head down, because I didn't want
to even know who was talking, because it was just so irritating. I finally said okay, i will vote guilty, but i still do not believe that he's guilty, and then i got up and left. I got up and left the room, and they started working on another juror, and i told the foreman then that he needed to go in there, that they're getting too angry; they're getting too loud. And he stepped in and said talk about the weather", Drema said.

"You told them that he needed to go in there?", Peter asked.

"And calm them down, because they were picking on the other--".

"In where?", Peter asked.

"Where the tables are. I got up and went into the area where they had the coffee and everything".

"In other words, you were not in the same room with the jury foreman?", Peter asked.

"He was in there, also with the coffee. The coffee was--".

"Were you and Becky Weems in the same room at this point?", Peter asked.

"Until i got up and left and went into the other room".

"Was the door open and closed?"

"I don't think there's a door there, just where the drink machine is".

"Could the jurors in the main room with the table hear what you were saying?"

"They should have. They should have been able too".

"Your honor, may we approach the bench?", Peter asked.

"Is there any reason to approach the bench?", the robed kangaroo asked.

"Your honor, what i think we have here, i respectfully submit, surprises me. I did not realize in the long interview that we had that i had with this witness that she's now testifying to a jury separation", Peter said.
"Judge, the jurors are allowed to go to the bathroom. They have to physically leave the jury room to go to the bathroom and also to get coffee", the kangaroo said.

"Mr. Chamberlain, I wasn't trying to cut you off. Ordinarily, the reason you approach the bench, if a jury's present, but if you want to approach the bench--"

"Oh, that's all right", Peter said cutting off the robed one.

"Proceed", the robed kangaroo said.

"Judge I'd ask the court to take judicial notice of that the restroom is in, is in a little room, the physical layout there in the jury room, that a juror, if he goes to the bathroom, if he leaves one area into another area, but it's all contiguous and all secure", the kangaroo said.

"Well, to get around this move on. Maybe you all can stipulate about the dimensions", the robed kangaroo said.

"I think we can", Peter said.

"You've got the jury room that's roughly, what, thirty by fifteen, or something like that? And then there's a doorway from there into, into a room where there's a coke machine and a coffee pot, and then leading off that little room are small separate bathrooms for the males and female jurors. Is that enough judicial notice in those?", the robed kangaroo said.

"I believe there's a door there. I'm going to ask the witness", Peter said.

"Was there door open or closed, do you know, during that time?", Peter asked.

"The one--".

"The one between the room where the big table is, or--"
"It was open", Drema said.

"You've stated in page seven of your affidavit, toward the bottom of paragraph fifteen, that the jurors started yelling at one of the other jurors?", Peter asked.

"Yes sir".

"When we're talking yelling, can you, for the record give some picture of what's going on there? Is this just a loud discussion, or is this something beyond that?"

"It was more than a loud discussion; um, it was ugly. Um, one of the jurors, when I was trying to help Becky, she turned around and said, I'm not talking to you, you stay out of it".

"Was this at a level that could have been heard outside the room?"

"It should have been. I would have been able to hear it outside the room".

"Is this yelling situation before or after the courts note about a possible deadlock?"

"I'm sorry. Repeat that again".

"In terms of time in the process, when did this yelling and pressure--".

"When did it start?", Drema asked.

"All right. I'll--go ahead and answer that question", Peter said.

"It started after they found out that myself and another jury voted not guilty. They were very irate", Drema said.

"Was that on the 6th or on the 7th?"

"That was on a Wednesday. No, no. That was Tuesday evening. We went back in".

"Was this constant, or did it reach a climax?"
"Well it got, it got loud, and then it got not so loud, and then it got loud again. It was inconsistent", Drema said.

"Was your change of vote between not guilty based on reasonable doubt, and guilt, based on any reasoning offered to you, or was it based on pressure?", Peter asked.

"Your honor, we're going to object. Number one, he's leading the witness. Number two, he's asking for a legal conclusion, and we're going to object on those two grounds", the kangaroo liar said.

"Sustained on the latter", the robed kangaroo said.

"Ms. Samples, was your--wait for a possible objection on this question. Was your change of vote based on anything in the evidence?", Peter the prophet asked.

"Your honor, here again we're going to object. He's asking her what her thought process were as to how she voted. We don't think, based on the evidence what this motion, his motion says there was undue influence in the jury room, and we'd ask that he confine his questions to that", the kangaroo of legal fiction said.

"Mr. Chamberlain, do you want to respond before i rule?", the robed kangaroo asked.

"That's precisely what i am asking, is this a product of some argument that says, heres a piece of evidence that convinced her, or is this a product of undue influence", Peter said displaying truthful common sense.

"I'll sustain the question that was asked", the robed kangaroo said.

"Did you change your vote against your better judgment?", Peter asked.
"Yes sir", Drema said.

"Did you change your vote freely or reluctantly?"

"Your honor, leading. Object", the kangaroo liar said.

"I don't think that question's leading your honor", Peter said.

"Overruled", shockingly the robed kangaroo said.

"Answer the question".

"Uh, i did not find--i changed my vote because of pressure. I did not find any evidence that told me that John Banos was guilty, and after i wrote down guilty, i told them i still do not believe this, that he is guilty", Drema said.

"When did you make that statement?"

"After i wrote down guilty".

"Is it right after that--".

"And i got up and left".

"--before you left the jury room?", Peter asked.

"Before i got up and went into the coffee area".

"That was after you had folded and voted guilty?", Peter asked.

"Right".

"So you had informed the rest of the jury that you were making that vote with reservations?"

"Yes".

"Pass the witness".

"Ms. Samples, would it surprise you that some of the other jurors didn't hear you express that reservation?", the kangaroo asked.

"No. It doesn't surprise me at all", Drema said.

"Did you make that statement to yourself?", the kangaroo asked.
"No sir. I made it out loud", Drema said.

"Okay. Now didn't the jury as a whole, and particularly the foreman, try to keep the jurors, keep in mind the judge's instructions?", the kangaroo asked.

"No", Drema said.

"All right. If someone strayed off or went into something outside the record or said something about the defendant not testifying, would not the foreman or someone else say that we cannot consider that?, the kangaroo asked.

"I did not hear anyone say that up until one point when Ms. Weems and I and the foreman, practically the same time, said you cannot hold that against him", Drema said.

"The foreman said that, didn't he", the kangaroo asked.

"Um-hum".

"You cannot hold that against him. That was stated?"

"Yes sir".

"All right. Now you said that the statement was made you, you either believe the victim or the defendant. Could you have heard, you either believe Susan Shuttlesworth's story or not? You either believe she's identifying the correct man or not?"

"No sir".

"Could that be how it was phrased?"

"No sir".

"So if Mr. Boles says that, in your opinion, he's incorrect?"

"That's true".

"All right. Now of Wednesday morning, you deliberated that evening, Wednesday morning, didn't you change your vote early on that morning?"
"That morning, early on", Drema said.

"Several hours before Ms. Weems also voted guilty?"

"No. It wasn't several hours."

"How long was it?"

"I would think maybe a half an hour."

"All right. Was it before the judge sent in a note about being a
deadlock, asking if the jury was deadlocked?"

"When I changed my mind. No."

"So you changed your vote after the judge sent in the note?"

"No. I changed my mind before."

"Before the note came in?"

"(Nods affirmatively)."

"All right. Now jurors--well, let me ask you this. How were the votes
taken?"

"The first time, it was verbally. The second time it was ballot."

"All right. And so when there was secret ballot, is it a secret ballot?"

"Which really wasn't secret, because they knew there were only two of us
that didn't."

"And you wrote not guilty on yours?"

"Yes."

"All right. But then prior to the judge sending in the note asking if you
were deadlocked, you changed your vote to guilty?"

"I don't remember a note being sent in. I'm sorry."

"Okay. But it was earlier? It wasn't around noon? It was earlier in the
morning that you changed your vote?"

"It was just before he asked if we wanted to break for lunch. Is that--"
"Okay. All right. All right. And so now you were familiar with the judges instructions to you, were you not?"

"Yes sir."

"All right. Ya'll went through them. All right. You heard the judge read them to you?"

"Yes."

"All right."

"Excuse me. You said we went through them?", Drena asked.

"Well the judge read them to you, what's called the charge?"

"Yes. Yes."

"In that were the rules that you all were supposed to follow?"

"That's right."

"All right. Now if someone made a statement about the defendant's failure to testify, that didn't influence you in your vote?"

"No. It did not."

"All right. And--All right. And the statement about parole, or they don't stay down there very long anyway, that didn't influence your vote, did it?"

"Absolutely not."

"All right. Now nobody--okay. The people in there that were voting for guilty, and I guess there was ten people, some of those persons were pretty adamant in their position, were they not?"

"Yes sir."

"And a situation like this, a rape case, sexual assault, kidnapping, it's a pretty emotional situation, isn't it?"

"It is."
"And it was hard for the jurors because of that; is that a true statement? Was it hard for you because it was emotional, i mean the nature of the case, or didn't bother you?", the kangaroo asked.

"It was not--i was not emotional to where i just really felt sorry to tears, and things like that, but i just really try to stay on the track of everything that was given to us, and you have to block out your emotions and go by what was being said", Drema said.

"All right. So when you voted guilty, you voted guilty based on the evidence that was presented to you?"

"No. I did not".

"Well, you were aware of the courts charge, were you not?"

"Thats right".

"All right. Did someone threaten you?"

"No".

"Did someone physically abuse--?"

"No sir".

"All right. So what you're telling the court is you changed your vote because everybody else was so upset and adamant in their position of guilty?"

"I changed my vote to peer pressure. I was pressured into doing it, and i regretted it immediately afterward", Drema said.

"Well, when you came outside, though, and the judge read the verdict, and the judge says, members of the jury, is this your verdict, you raised your hand, didn't you?"

"Thats right. I did".

"All right. When you voted guilty, you wrote that on a piece of paper?"
"Yes".

"That vote was taken by pieces of paper, and you voted guilty. I'm talking about when you changed your vote?"

"Yes. Yes sir".

"And it's your testimony that you said at that time that, i've got reservations about this, but some of the other jurors may not have heard you say that; is that--?"

"That's--again--".

"I object. I don't think that's what she said. I don't think she said--", Peter was asking.

"That's why I'm asking her the question", the kangaroo said interrupting.

"That also calls for a conclusion as to who heard what", Peter said.

"Do you understand the question?", the robed kangaroo asked.

"Yes. Do you want me to answer it?", Drama asked.

"If you're able to answer it. Objection overruled", the robed kangaroo said.

"Okay. When I wrote down guilty, I said okay I give up. I'll write down guilty, but I still don't believe that he is, and I got up and left, but when I said that, I was writing it down. The foreman was there".

"The foreman was right beside you when you said that?"

"Yes".

"So the foreman should have heard you say that?"

"Oh yes. Yes he should have, because when he--after I said that, when he got up and left, and a few seconds later I went up and went in to get some coffee".

"Well pass the witness".
"Request permission to approach the witness", Peter requested.

"Yes", the robed kangaroo said.

"Did you and I have a chance to go over the affidavit that the state has presented?", Peter asked.

"On the computer?", Drema asked.

"No, the affidavit that the state is presenting from the other jurors?"

"(Shakes head negatively)".

"I'm going to ask you to read paragraph six of the Travis affidavit", Peter said.

"Judge we're going to object. Those affidavits Mr. Chamberlain's not let us put those in evidence. If he's going to start referring to them, we ask they be admitted", the kangaroo said.

"Sustained. Do you want to stipulate? What do you want to do?", the robed kangaroo asked.

"Ms. Samples were you, is it a fair statement that you were changing your mind, quote, after hearing outside influence or favors? Has anybody done you any favors to get you to come up here and testify today?", Peter asked.

"No. I came to you with it".

"Have I or anyone else applied any influence outside the court room to get you to take off work today and get you to come up here and testify?"

"No sir. As a matter of fact, I've been calling you".

"Is it a fact that there was an agreement in that jury room, quote, that if the defendant was guilty on one charge, he was guilty of all?", Peter asked.

"Yes", Drema said.

"You're a teacher's aid out at?"

"Caddo Mills High School".
"Do you know what yelling and screaming means in a school environment?"

"Yes".

"Your honor, we don't see the relevance. I guess she's already answered. We'll withdraw", the kangaroo said.

"We have a fact question whether there was any yelling or screaming from the affidavit", Peter said.

"He withdrew his objection", the robed kangaroo said.

"Was the yelling and screaming—scratch that okay? Why didn't you change your vote back?", Peter asked.

"Your honor, we're going to object to that question. That's not relevant to what happened inside the jury room", the kangaroo said.

"Sustained", the robed kangaroo said.

"For the record, in paragraph seven, that talks about a newspaper influence. All you're going on is the statement. It was made that this happened in Greenville, and then you read it in the paper. No one brought the paper in the jury room, did they?", Peter asked.

"No".

"Did you know about the error in the paper prior to the conclusion of the trial?"

"No sir".

"Your honor, I'm going to object to—she's unequivocally said there was no newspaper. In that whatever statement was made, there's no evidence that there was any outside—or someone read the newspaper", the kangaroo said.

"Your honor, I'm about to connect up what's in her affidavit", Peter said.

"Well you're either—I guess you're in one of the affidavits, or in your motion. You're trying to connect something that appeared in the Greenville
paper, that something that the witness says was stated in the jury room?”,

the robed kangaroo asked.

"Right", Peter said.

"Mr. Thomas I think your rebuttal of that is too tenous to be considered.

I'll overrule your objection”, the robed kangaroo said.

"Judge to speed this along, we'll agree to the admission of the Herald

Banner news story that ran the second day of the trial. Judge, and also in

the interest of time, we'll stipulate that the newspaper article says that the

abduction, kidnapping and stolen car took place in Greenville rather than

Commerce", the kangaroo said.

"All right", the robed kangaroo said.

"Did you hear in the jury room on the second day of deliberations the

statement that this happened in Greenville?", Peter asked.

"Yes".

"Was that correct?"

"Yes. It was made".

"Was the statement made by more than one person before it was corrected?"

"No. It was only made by one".

"Fair to say that didn't concern you until you read the newspaper

article later?"

"No. It didn't. I have no reason for it to bother me", Drema said.

"Pass the witness", Peter said.

"Anything else Mr. Thomas?", the robed kangaroo asked.

"No your honor", the kangaroo answered.

"You may step down. All right. Mr. Chamberlain if you'll call your next

witness please", the robed kangaroo said."
"State your name for the record please," Peter stated.

"Becky Renee Weems". 

"Were you one of the jurors in the John Banos trial in early February?"

"Yes. I was".

"When did I first speak with you?"

"Today, really".

"Okay. Did, did you have, you and Ms. Samples talked earlier?"

"Just on the phone".

"Okay. Since the trial, though, but you have talked to her on the phone?"

"Yes".

"About the trial?"

"Um-hum".

"To the best of your recollection, was the vote at which you voted guilty a paper ballot vote or a voice?"

"It wasn't, as Mr. Duncan said earlier, it was not a secret ballot," Becky said.

"Was it a paper ballot or was it voice?"

"It was at first. It started out as a voices. Mr. Boles, the--i don't know what you call him, the head that we picked. We first got in there, he said, there's no doubt in my mind that he's guilty, and then i said well, i disagree, and then Drena said she disagreed".

"But we're getting off track on this question. Was it a paper vote or?"

"Yes. It ended up as a paper vote".

"Could everybody see everybody else's ballot?"

"Yes".

"By that point, did everybody know what the split, who was on each side of the split?"
"Yes. I thought it was supposed to be secret, but everyone knew that we were voting not guilty at first."

"Was the deliberation, would you characterize the deliberation as calm and rational?"

"No. There was raised voices, almost, well to the point of yelling."

"Did that exert a pressure on you apart from the force of the arguments themselves?"

"Yes. I felt pressured by it."

"Did you express any reservations at the time you changed your vote to guilty?"

"I changed it, and then I said no, I cannot vote guilty. I have to go back to not guilty, and then they started pressuring me again, and then one of the jurors said, well do you believe that she was raped? It's whether, the point that you believe that she was raped or not, and if you believe that she was raped, then it's guilty. And I said, well I believe that she was raped, and he says, well it's guilty then, and I said, well I believe that she was raped", Becky said.

"Um, was there a separation of the jurors in which some of you were one place and some of you were another place, but the deliberations went on?"

"Judge, we are going to object. That's outside of the grounds and allegations made in the motion for new trial. His allegations and motion is for undue influence, or some other things, but there's no mention or no allegations that the jury deliberated, separated, and we think it's too late for him to raise that now. We're certainly not going to agree to amend his pleadings at this time", the kangaroo cry baby said utilizing legal fiction.

"Your honor, I think it's 'A', highly relevant to the undue influence
issue thats already been expressly raised; 'B', it's already been
admitted into evidence, testimony on these question's already been admitted", Peter said utilizing common sense with truth.

"Well Mr. Thomas, i'm going to overrule your objection, but i want the
record to reflect in a—you are not waiving, you're not consenting to a trial
amendment. You’re not waiving that. Go ahead", the robed kangaroo said for
some bizarre reason.

Peter then wanted to amend his motion for a new trial, but Duncan said
that under rule 31 (a)(2) that Peter had thirty days to amend it. In my
Texas Criminal Law book no such rule exist? The judge denied the request.

"Ms. Weems was there a time during the deliberation that the jury
actually split into two groups and two different rooms?", Peter inquired.

"Your honor, i'm going to object. He's trying to get into just what the
court said he couldn't", the kangaroo liar said.

"Sustained", the robed kangaroo said.

"Is that the courts ruling, is the characterization of the courts ruling? I
did not expect it to be such. I'm trying to get this witness in and out of
here as quickly as possible, rather than have her sit around", Peter said.

"All right. I sustained the objection", the robed kangaroo said.

"Ms. Weems were you, in fact, alone in the jury room as a held out at one
point?", Peter asked.

"You mean by myself?"

"No with other jurors, there but were you the lone--".

"Yes. I was the only one that was still not guilty. Ms. Samples had went
to the other room to get something to drink, and another one of the jurors
went with her. I don’t remember which one", Becky said.
"Was this a time when there was ever--was this at a time when there was, if there was, any pressure on you to change your vote?"

"Yes. There was a lot of pressure".

"Describe that pressure, briefly".

"They were all saying that, well, all except for the one that was in there with Ms. Samples, and Ms. Samples, that they didn't understand why I was saying that he was innocent, and they didn't--they said, is there something that we can get across to you that you didn't hear in there, and I said, no, and the lady--I don't know her name, but she works at the bank--she said that, well, one of those--she goes, the girl was raped, and one of those boys did it, and I don't care which one of them did it, but one of them's going to pay for it, and the other one said, if he is innocent, he'll get another trial".

"Do you remember the jury instruction about what could be done after a trial?", Peter asked.

"You mean that we could talk?", Becky asked seeking clarity.

"Do you remember anything about whether evidence could or could not be heard and whether you could be questioned?", Peter asked.

"I--yes, that we could be questioned after the trial", Becky said.

"Did that affect anything?"

"My judgment?", Becky asked seeking clarity.

"Did it affect your decision?", Peter inquired.

"No. I feel like I got pressured into it".

"When did you reach the conclusion that you had made the wrong decision?"

"Your honor, we're going to object. It's not relevant", the kangaroo said.

"Sustained", the robed kangaroo said.
"Did you reach that conclusion, reach the conclusion that you had been pressured into a verdict before or after the verdict was read in court?"

"Before. I had changed it earlier, because I said guilty, and then I said no, I cannot do that, and then one of the ladies said well, you cannot change your mind, and then Mr. Boles and Drema said, yes she can change her mind. It's not on the paper yet, and they knew that I held out the longest", Becky said.

"Were you told that you couldn't change your mind after it was down on paper?", Peter asked.

"That's the way I understood it, yes".

"Was that the way you understood it at the conclusion of deliberations?"

"Yes. Before we went out to the courtroom, you mean? Yes", Becky said.

"Would you have changed your vote had you thought you were still free to do so?"

"Yes".

"Let me ask, Exhibit A, lets turn to page six, down to the bottom, paragraph fifteen. Read that to yourself please. Have you had a chance to read it yet?"

"Yes".

"Is that a fair and accurate statement of what happened, or are there some things that should be changed, either in basic facts or emphasis, considering that's Ms. Samples recollection and not yours, but we're talking about you there?", Peter asked.

"It seems accurate to me".

"Okay. Um, was this verdict in fact a unanimous free judgment of
twelve individual jurors that this man has been proven guilty of all three offenses beyond a reasonable doubt”, Peter asked.

"Your honor, i'm going to object. He's asking her for a legal conclusion", the kangaroo master of legal fiction said.

"Sustained", the robed kangaroo said as was expected.

"Does your individual vote of guilty in this case represent what was at the time of your deliberations and the announcement of the verdict your best considered judgment that this defendant was guilty beyond a reasonable doubt of all three offenses?", Peter tried to ask.

"Your honor, i'm going to object to this question as it's not relevant what her opinion as to her vote. The issue is was there undue influence on her to make her vote guilty", the kangaroo said as his pride was still hurting from the fact that this peasant wasn't dazzled by his grand court act, like the other peasants were.

"Sustained", said the robed kangaroo said as predicted.

"Pass the witness", Peter said, as he realized that both of the kangaroo’s were out to prevent him from showing the truth.

"Mr. Thomas", the robed kangaroo said.

"Okay. Ms. Weems, now you did change your vote to guilty. Is that correct?"

"Twice", Becky said.

"All right. The first time you said, i cannot vote guilty, but then you said, i'll change my mind?"

"I was pressured in it both times".

"And thats by people saying, well, basically telling you that you were wrong in your opinion. Is that right?"

"Thats correct".
"All right. And they said, based on their view of the law and the evidence, that he was guilty?", Duncan asked.

"Um-hum".

"And they disagreed with you?"

"Um-hum".

"All right. And they strongly disagreed with you?"

"Yes. There was one lady--can i say this?", Becky asked.

"Well, you just need to answer my questions--".

"Okay".

"--if you don't mind. There were several people got upset because you voted not guilty, didn't they?", the kangaroo master orator asked.

"Yes".

"All right. And you said that they raised their voices to the point of yelling?"

"That's correct".

"Okay. And so at some point you said, all right, i change my vote to guilty. Is that correct?"

"Yes".

"And at that time, the foreman filled out the sheet?"

"Um-hum".

"And then ya'll came back into the courtroom. Is that right?"

"The last time i said guilty", Becky said.

"And the judge at that time, asked everybody, said, he read the verdict and said, ladies and gentlemen of the jury, is this the verdict?"

"Um-hum".

"And you raised your hand, didn't you?"
"Um-hum".
"And all eleven others did too?"
"Um-hum".
"Ms. Samples did and everybody else?"
"(Nods her head affirmatively)".
"We need a--", the robed kangaroo was saying.
"Oh okay. Yes".
"All right. All right. Now did the people you say were putting pressure on you, did they threaten you?"
"No".
"All right. Did they physically harm you?"
"No".
"Irrelevant. No allegations of that", Peter said.
"Objection overruled", the robed kangaroo said as expected.
"Did this pressure you're talking about, they would state their position loudly?"
"All at once".
"All at once. All right, and all right. Well let me ask you this. Did, so basically what it is you say, you say felt like they kept saying he's guilty, guilty, and finally you went along with them?"
"It didn't happen that way. Can i explain?", Becky asked the kangaroo.
"Sure", shockingly he said.
"Okay. It was to the point where Mr. Boles said, well do you believe that she was raped and kidnapped like the rest of us do? And i said yes, and he said, well it comes down to it, you either believe her or you believe him, and he didn't testify, so if you think she was raped and kidnapped, then he's
guilty", Becky said.

"All right. Could he have said, you either believe her story or you don't?", the kangaroo asked.

"No".

"Did he say it like that?"

"(Shakes head negatively)".

"Did he say you either believe her story or you believe his plea of not guilty?", the kangaroo asked.

"Go ahead. I'll withdraw the objection", Peter said.

"No", Becky answered.

"Now, did you make any notes after this happened?"

"After no. I made during the trial, but we weren't allowed to use them in the deliberations".

"Well, about this jury deliberations and the statements that were made, did you ever make any notes about that?"

"No, just mental notes".

"Just mental notes. Okay. And that's been now about almost two months since that time?"

"(Nods head affirmatively)".

"All right. Did you, well couldn't you be mistaken as to the exact wording of Mr. Boles statement after all that time?"

"I don't think I could, because I left the court room crying", Becky said.

"So if you're crying, then your memory's better?", the kangaroo asked.

"No. It's because it upset me so much that I still remember".

"All right. And so at some point, you contacted Mr. Chamberlain?"

"No. I never contacted him".
"All right. Did you ever write down your thoughts on paper after this happened?"

"No. After it was over with, I told my husband, because we were allowed to talk about it then".

"Talked to your husband about it, and that's all?"

"I spoke with Ms. Samples".

"All right. And how long was that after the trial?"

"It was just a day, or two, I believe. She called me at work".

"Well now, the fact that Mr. Boles made that statement to you, is that why you changed your vote?"

"Yes, with all the confusion that was going on and the yelling and stuff".

"So his statement to you, I believe it's your words, that you either believe her story or you believe the defendant?"

"Um-hum".

"All right, and so--".

"He said you either believe she was raped or kidnapped, or you believe--", Becky was saying.

"Or you don't?", the kangaroo asked as he interrupted her.

"Or you believe him, and I said well, there's no doubt that she was raped and kidnapped in my mind, and he said okay, it was guilty then", Becky said.

"All right. And then you change your vote?"

"Um-hum".

"Was he yelling when he said that to you?"

"No. He was talking pretty calm. He was yelling earlier".

"All right. We'll pass the witness", the kangaroo said in a subdued way, as he was still upset that Mrs. Weems couldn't recognize his greatness.
"You just said a moment ago that there was, and I think you have
misspoken. Well, was there a doubt that Ms. Shuttlesworth was in fact, the
victim of kidnapping and rape?", Peter asked on redirect.

"No. I believe that she was kidnapped and raped", Becky said.

"Okay. That was to, um, what was your—-in keeping this answer as short as
possible, what was your hang up with the proof?", Peter asked.

"Your honor. We're going to--".

"On the issue that it was John Banos who raped her--", Peter was saying as
he interrupted the kangaroo.

"Your honor, I'm going to object. It's outside the purview of this hearing",
the kangaroo said.

"Sustained", the robed kangaroo said.

"Was there an agreement that if a person was guilty of one of these offenses
he was guilty of all of them?", Peter asked.

"That's what they agreed on. I disagreed. Ms. Samples also disagreed", Becky
answered.

"Would you have voted guilty but for yelling and pressure, separate and
apart from somebody pointing out one piece of evidence or another, or a
combination?", Peter asked.

"Your honor, here again we're going to object, asking the witness to
speculate", the kangaroo said.

"Objection overruled", the robed kangaroo said surprising everyone in the
court room.

"Answer the question please", Peter said.

"Could you repeat it. I don't quite understand it", Becky said.

"Let me have the court reporter read it back, so I don't have two
versions of this question", Peter said to everyone.

"(The previous question was read by the reporter)".

"Okay. Are you saying if they weren't yelling and everything, would I still have voted guilty? I don't understand the question", Becky said.

"Let's try an answer to that one. Can you answer that?"

"Okay. No. I wouldn't have voted guilty", Becky said.

"So was your vote of guilty based on the evidence?"

"No. It was based on the pressure", Becky said.

"Your honor, I'm going to object. That calls for a conclusion and is leading the witness", the kangaroo said as his pride was hurt, because the peasant said her vote of guilty was because of pressure.

"Objection overruled", the robed kangaroo said.

"I'll pass the witness", Peter said.

"Mr. Thomas", the robed kangaroo stated.

"Pass the witness", the kangaroo said.

"You may step down", the robed kangaroo said.

"Are you resting Mr. Chamberlain?", the robed kangaroo asked.

"Yes", Peter said.

The states first witness came in.

"Have a seat ma'am", the robed kangaroo said.

She was then sworn in tell the truth.

"Ms. Travis, state your name please", the kangaroo said.

"Margaret Louise Travis".

"All right. And Ms. Travis, you were a juror in the John Banos case?"

"Yes sir".

"All right. Now my assistant Mr. Black contacted you, and you had an
opportunity to read a affidavit that was given by a lady named Dreama Samples; do you recall that?", the kangaroo asked.

"Yes sir"

"And you gave an affidavit. Is that true?"

"Yes sir"

"And i believe this one right here, is it. And there's two pages, is that right?"

"Yes sir"

"All right. Your honor, we're going to ask that Exhibit B attached to States motion be admitted into evidence as the affidavit of Ms. Travis".

"No objection", Peter said deciding not to fight against perjury.

"Admitted", the robed kangaroo said as predicted.

"All right. Now, Ms. Travis i'll ask you, at any time during the jury deliberations, were there any yelling or screaming or hostility directed toward Ms. Samples?"

"No sir", Margaret lied so smoothly that she would cause any Pharisee to envy her sinister skill.

"All right. Was there discussion with Ms. Samples?"

"Just general conversation".

"Well, i mean everybody was saying--some were saying guilty, and she was saying not guilty, and there was discussion about that?"

"Well, i don't guess i understand your question".

"Well, the jury deliberated?"

"Right", she said.

"And to the best of your recollection, did the jury abide by the Judges instructions?"
"Yes sir."

"All right. And if a statement was made outside the instructions, like somebody says, well, the defendant didn't testify, and we should consider that; would someone speak up and correct it?"

"It was not made but one time, to my knowledge."

"And it was corrected?"

"Yes. It was corrected. We agreed that we would not discuss it, since we were instructed not to."

"All right. Good. Now, all right. I'll ask you, before Ms. Samples changed her vote, did, do you believe or did you form any opinion about whether or not she was being pressured?"

"No sir. I don't believe she was being pressured", Margaret said.

"Objection. I think this calls for a conclusion that she's not been shown competent to testify on", Peter said trying to fight back.

"Judge, a lay person can give their opinion. Ms. Samples got up here and said she changed her vote to guilty because of so much pressure, yelling and screaming and so forth, and Ms. Travis was there. She formed an opinion at that time as to whether or not there was pressure on her, I think she can state her opinion", the kangaroo said throwing a hissy fit.

"Objection sustained", the robed kangaroo said surprising everyone.

"All right. Now, they make some reference to a statement you allegedly made about him paying for the crime, John Banos paying; do you recall that?"

"I recall that in her affidavit", Margaret answered.

"All right. Now was that the basis of your vote of guilty?"

"No sir."
"What did you base your decision on?"
"The evidence presented in the court room."
"All right. All right. I'll ask you, did, was every juror allowed to express their opinion?"
"Yes sir."
"And do you feel like Mr. Boles did a good job in that regard?"
"Excellent."
"Objection. Calls for a conclusion", Peter said.
"Sustained", the robed kangaroo said to everyone's surprise.
"All right. Do you remember when Ms. Samples changed her vote to guilty?"
"Not exactly."
"All right. Well, do you remember saying something like, I vote guilty, but I don't believe it, or something like that?"
"No. I don't remember she said that."
"Objection. She already testified she doesn't recall. Her own testimony establishes that she's not testimonially competent to answer this next question", Peter said.
"I guess I'll have to have the court reporter read both back then", the robed kangaroo said.
(The previous question and answer were read by the reporter).
"Objection overruled", the robed kangaroo said.
"All right. You can now answer that question", the kangaroo said to his star dying witness of the day.
"I don't know that I remember her making that statement", Margaret said.
"Okay. Fine. All right. I'll ask you, do you feel like you were pressured into voting?"
"No sir", Margaret said.

"All right. I'll pass the witness", the kangaroo said.

Mr. Chamberlain will now question the witness who is a law abiding citizen.

"Um, referring to paragraph three of your affidavit, um, did you write that, or did somebody else write that?", Peter asked.

"I wrote it myself. I typed it myself", Margaret answered.

"Tell us briefly how the conversation went about setting up this affidavit.

Did anybody tell you anything they wanted covered or didn't want covered?", Peter inquired.

"No sir, no sir".

"Or form or anything like that?", Peter asked.

"Mr. Black mentioned to me that this was going to come about, that there had been some misconduct in the jury room, and asked me if I could respond, which I told him I could, and I did", Margaret said.

"Okay. Did you prepare the whole affidavit?", Peter asked.

"I prepared the whole affidavit", Margaret answered.

"Are you--how did you gain your familiarity with the forms of affidavits and this type of thing?", Peter asked.

"I have worked at Centennial Bank for thirty-seven years, and at the time I started, we prepared all our legal documents, affidavits, deeds of trust, notes, warranty deeds, amortization agreements, and I gained a small amount of knowledge, but I do not practice law. I don't do affidavits for anybody else", Margaret said.

"Mr. Chamberlain, let me break in here, and I want to clarify or make sure I didn't mislead you all in one of the rulings I made, and I want to go back to the question to the general effect of the witnesses by Mr. Thomas"
of, do you believe there was pressure, and you objected to that was a conclusion, and I sustained it, and I wasn't trying to rule out questions in this area, but there are things like acts that were perceived that the court can interpret as whether or not that was pressure. That's, with that clarification, I want the record to be complete in all these areas. Go ahead", the robed kangaroo decided to let be known for unknown reasons.

"Thank you, your honor", Peter said.

"You referred to paragraphs, to items eight and nine, that would be items eight and nine of the Samples affidavit, defendants Exhibit A. May I approach the witness with these two?", Peter asked.

"Yes", the robed kangaroo said.

"Okay. And I think she has them both before her here", Peter said.

"No sir. I don't have anything", Margaret said.

"Where's the court's copy of the Samples affidavit which has been admitted? Of the Travis affidavit, rather?", Peter asked.

"Judge, he's talking about the one attached to the back of our motion", the kangaroo said.

"There's one attached. Well, I just wanted to show her one. I thought we had one up here", Peter informed everyone.

"This is the one that was filed yesterday afternoon by the state. It has the affidavits. If you need to use them now, you certainly can", the robed kangaroo said.

"Where you're referring to items eight and nine, here, for the record, is that paragraphs eight and nine of the Samples affidavits?", Peter asked her.

"Yes", Margaret answered.

"So those are statements that you believe were possibly made?", Peter asked.
"Possibly", Margaret said.

"Best of your recollection, were they made or not?", Peter asked.

"Already been asked and answered judge. Object", the kangaroo said.

"You agree Mr. Chamberlain? Has your specific question been answered?", the robed kangaroo asked.

"No it hasn't your honor", Peter said.

"All right. Objection overruled", the robed kangaroo responded.

"Was there a discussion in the jury room of anything like, if he's innocent, he'll get a new trial?", Peter asked.

"Sir, we were from, for seven hours, and i cannot recall all of the conversations that went on in the jury room. I'm sorry", Margaret said.

"Do you--was there a conversation, to the best of your recollection, to the effect, how long do they spend in jail for crimes nowadays anyway?", Peter asked.

"Yes. That was mentioned. It was on the, just kind of a joke", Margaret said.

"Can you pin down, was that toward the end of the deliberations, or--?"

"No sir. I cannot do that. I don't know when it was mentioned", Margaret said as she cut off Peter.

"Was there a discussion during deliberations to the effect that somebody should pay, and if Sutton had plea bargained his way out, Banos ought to pay for it?", Peter asked.

"Not to my knowledge", Margaret said.

"Okay. Was there a discussion in a reference in the jury deliberation to this crime having occurred in Greenville?", Peter asked.

"No sir, not that i know of", Margaret said.

"Did you understand, based on anything said in the jury room, if you
believed that Ms. Shattlesworth was honest in her testimony, that you had to believe her identification of this defendant?", Peter asked.

"Your honor we're going to object to this question. I don't know how it goes to the allegations again, in his motion for new trial", the kangaroo said.

"Sustained", the robed kangaroo said as expected.

"Your honor, if i may, since the question is to her allegations, i can point out the allegations incorporate the affidavit, and this matter is covered in twelve, thirteen and fourteen", Peter said.

"What grounds for--?", the robed kangaroo tried to ask.

"Well judge, that's where he's arguing about the sufficiency of the evidence and lack of identification testimony. That's not a proper ground for a new trial. He's arguing that the evidence is insufficient", the kangaroo said.

"No your honor. This is a misstatement of law point. This is a point that they were bound to go with Susan Shattlesworth's version or with the defendants version, rather than being free to pick and choose what of Ms. Shattlesworth's testimony they were convinced of beyond a reasonable doubt", Peter stated.

"And to which, is your objection a relevancy ground Mr. Thomas?", the robed kangaroo asked.

"Well judge, he's going into, judge, i'm not really sure what he's driving at or what his question, the thrust of his question he's asking about. I guess maybe my objection is i don't understand his question or where he's going with it judge. I thought the issue before this court was undue influence, and he's asking something else now", the kangaroo said.
"Your honor, the issues are framed--" Peter tried to ask.

"What subparagraph is this relevant to?" the robed kangaroo asked.

"Three and four your honor, particularly four of the motion and of the--;" Peter tried to say.

"Subparagraphs under grounds three and four?" the robed Kangaroo asked.

"Yes. I think four is probably the stronger", Peter answered.

"A bribe?", the robed kangaroo asked.

"No, contrary to law and evidence your honor", Peter said.

"Huh?", the robed kangaroo asked.

"Contrary to law and evidence, page two, bottom of the page", Peter said.

"I was looking at rules appellate procedure, rule 30B, grounds", the robed kangaroo said.

"That's not where we're going", Peter said.

"Well judge, contrary to the law and evidence, that's strictly a matter of law, and I don't know how a juror could shed light on that", the kangaroo said.

"Objection sustained", the robed kangaroo said.

"Without getting into how you arrived at your decision, um, do you have any specific recollections about how Ms. Samples and Ms. Weems got from one position to the other?", Peter asked.

"No sir. Each of us made our vote. We made our own vote. Each person acted on his own", Margaret said.

"But you have nothing of your specific--do you have any specific recollections of anything they said there in the jury room to--and that is yes or no question. Just do you have any recollections of anything specific that stands out that they said about changing their own votes,
other than the fact that they changed them?", Peter asked.

"No", Margaret said.

"Pass the witness", Peter said.

"Mr. Thomas", the robed kangaroo said.

"No further questions", the kangaroo said.

"Judge, may she be excused to go back to work?", the kangaroo asked.

"She may be excused", Peter responded.

"All right. Thank you", the robed kangaroo said.

"Oh, one additional question", Peter said.

"Ms. Travis, there has been a correction in preparing the two questions--in preparing the affidavit. I apparently made an error in paragraph five of Ms. Samples affidavit. Does that change any of your, anything in your affidavit or anything in your testimony, the fact that that statement as typed has a mistake in it that she has pointed out in court?", Peter asked.

"Well, I don't know what the mistake is", Margaret responded.

"It is susceptible of the reading that some of this repeated pressure about his, Mr. Banos taking the fifth amendment came from the jury foreman, and that's been corrected. Does that change anything in your affidavit testimony?", Peter asked.

"No".

"Okay. You have a reference in the last page of your affidavit to used influence or favors. Do you have any evidence or reason to believe that anyone's--".

"No sir".

"-been subjected to outside influence or favors here?", Peter asked.

"No sir, no sir, but it's possible", Margaret answered.
"Thank you. Pass the witness", Peter said.

So Ms. Travis stood and left the court room, doing her duty as a law
abiding citizen being a full supporter of the kangaroo judicial system. The
state then brought in their next witness.

"Come on around up here and have a seat in the witness stand. Mr.
Thomas", the robed kangaroo said.

"Ms. Spradling, state your name", the kangaroo said.

"Beverly Kay Spradling", she said.

"All right. And you were one of the jurors that served in the case
against John Wesley Banos?"

"Yes sir".

"And you were contacted by my office, and we asked you to give an
affidavit. Is that correct?"

"Yes".

"And we showed you an affidavit of a lady, given by Ms. Samples and asked
you to respond to it?"

"Yes".

"I'm going to show you what's been filed with the court on our
controverting motion entitled, or set out as Exhibit C--".

"Um-hum", Beverly said.

"--in two pages. Would that be your affidavit?", the kangaroo said as he
finished his question.

"Yes sir".

"Your honor, we ask that Exhibit C, which was filed and attached to the
states controverting position be admitted into evidence in this cause", the
kangaroo said.
"No objection", Peter was happy to announce.

"What's been marked as Exhibit C to the states controverting motion is admitted", the robed kangaroo said.

"All right. Now i'm going to ask you specifically, Ms. Spradling about the, what went on there with the jury, and as to your affidavit, Exhibit C, that pretty much sets out your remembrance on that. Is that correct?"

"Yes".

"All right. And you make reference in here that some of the statements were taken out of context. Is that right?"

"Yes".

"And i believed this last paragraph here on the first page, someone said, what if you find him guilty and he's innocent, he could spend his life in jail, an innocent man. Someone replied, what if we found him innocent and he's guilty, Susan Shuttlesworth will spend her life waiting to receive justice, because she does not have an opportunity for an appeal, and he does, and you say, my reply to his life in prison was, you, how long do people spend in prison anyway. Was there any discussion after that statement?"

"No".

"Was there any reference of it again?"

"No, not that i recall".

"So that was a statement that was made, but it wasn't dwelled on. In fact, y'all weren't considering punishment anyway were you?"

"No".

"All right. Now, now you also state in here in your affidavit at no time was there any yelling or screaming at anyone by anyone. Is that true?"
"Yes".

"All right. Did some of the, did the discussion get heated, I guess?"

"I would not call it heated. I would think--".

"Were some people adamant in their position of voting guilty, I mean, strong in their position?"

"Yes".

"All right. And did anybody, Ms. Samples or Ms. Weems, did anybody threaten them?"

"No".

"Did anybody physically touch them?"

"No".

"Did anybody tell them they had to vote guilty no matter what?"

"No".

"Eventually, they just changed their votes?"

"Yes".

"Thank you. I'll pass the witness", the kangaroo said to the judge.

"Mr. Chamberlain", the robed kangaroo said.

"Ms. Spradling, can you tell us briefly how this affidavit got prepared?", Peter asked.

"How it got prepared?", Beverly asked.

"Yes, how was it phrased. Who actually phrased it, that kind of thing?"

"I did", Beverly answered.

"Was it dictated to someone?", Peter asked.

"I brought it in writing to the District Attorney's office, and they typed it", Beverly said.

"Okay. Were there any changes made in the draft that you wrote?", Peter asked.
"No", Beverly said.

"So you just basically looked at the Samples affidavit and wrote this down?"

"Yes".

"I notice that you have used the phrase about four paragraphs up from the bottom--do you have a copy of that in front of you?"

"No. Four paragraphs?"

"Right. It says after some discussion".

"Um-hum".

"Come down three lines, raped the said Susan Shuttlesworth. Is that your words?"

"Kidnapped and raped the said Susan Shuttlesworth?", Beverly asked.

"Yes", Peter said.

"Yes sir", Beverly answered.

"Where did you get that, said, language from?", Peter asked.

"I don't know. I just was writing it that way", Beverly said.

"Have you been around legal documents much?", Peter asked.

"No", Beverly said.

"Judge, we're going to object this line of questioning. We don't see the relevance", the kangaroo said whining.

"Your honor, the relevance is in the states contention that our affidavits and legalese, I think that the drafting of these affidavits is certainly proper subject for cross-examination", Peter said.

"Objection overruled", the robed kangaroo said surprising everyone.

"Have you been around many legal documents that--".

"No sir", Beverly said.
"Use this kind of language, said, the said document?", Peter asked.

"Not really. I use to work at the courthouse for an abstract company, is the only dealings i've ever had", Beverly said.

"So you've read a lot of deeds and that kind of thing?", Peter asked.

"Yes. I have read deeds", Beverly said.

"Now you've stated that there were, on the second page, individual reasons for your decision based on the testimony as we heard in the courtroom. Were individual comments taken from Ms. Samples or Ms. Weems, if you know who they are?", Peter inquired.

"Not on, not as to why we found him guilty. They were the ones who did not find him guilty, so we were giving them our reasons, and then in return, they told us why they thought he was not guilty or why there was a possibility he was not guilty", Beverly said.

"Do you recall any expression by either of them of any reservation with their verdict at the time they signed a guilty verdict?", Peter asked.

"No. When they signed the guilty verdict, they said they were, had changed to guilty", Beverly said.

"Was Ms. Weems in fact crying when she left the jury room?", Peter asked.

"She was not at no time that i remember".

"Um, now in this question of yelling and screaming, do you have children?"

"Yes".

"Could your children, your children ever yell and scream?"

"Well not really. My children are all grown, and they really do not yell and scream a lot", Beverly said.

"What did--do you have a definite view as to what it takes to get up to a yell?", Peter asked.
"Your honor I'm going to object. I don't see the relevance. She said she's already testified there was no yelling or screaming", the kangaroo said.

"We're dealing with a word of imprecise meaning here, and I think that this witness' testimony on what happened and a comparison with other noises would be very useful", Peter said to the kangaroo's.

"I can see that it might be helpful to say a loud voice might be considered by some person as yelling, but I don't know how the record is going to reflect decibels. I don't know how we're going to get around this", the robed kangaroo said.

'Ma'am, would it be fair to characterize this discussion as forceful?'

Peter asked.

"The entire discussion, you're talking about?", Beverly asked.

"Parts of this discussion, when the other jurors are trying to talk the two holdouts into voting guilty, or either of them?", Peter asked.

"I don't know that I would even describe it as forceful in a way that would be intimidating. It was very positive on the part of our discussion in that we were very positive on our position, but there was never any anger expressed or hostility expressed", Beverly said.

"Okay. I really didn't ask you about intimidating. From your common human experience, would this level of conversation have been likely to have carried outside through the wooden door and outside the jury room?", Peter asked.

"Calls for speculation your honor. We object", the kangaroo said whining.

"Sustained", the robed kangaroo said as expected.

"Was it louder than you're talking now?", Peter inquired.

"No. I don't believe so", Beverly said lying through her teeth with no shame.
"Okay. Would that, however be just your opinion?", Peter asked.

"Well I suppose it would be, because I wouldn't know how far it carried. I never considered it to be anything other than discussion sir", Beverly said.

"Okay. I'm really trying to get something we can compare the sound level with", Peter stated.

"Judge, we're going to object to that statement or that question, if that's what he's addressing to the court", the kangaroo said.

"Is there any way you could compare that sound level with any other sound that we'd all be familiar with?", Peter asked.

"No", Beverly answered.

"You stated, top of page two of your affidavit, the last page of your affidavit, then the ten of us who were sure beyond a reasonable doubt of a guilty verdict gave individual reasons", Peter said.

"Yes".

"Is it then, your testimony that only ten of you were sure beyond a reasonable doubt that he was guilty?"

"At that point in time yes", Beverly said.

"Now, last paragraph, page one", Peter said.

"Excuse me. Mr. Chamberlain it was our--at that point in time, that he was the one guilty of the rape, was the indecisive part of the--you understand what I'm saying?", Beverly asked Peter.

"Okay. What are you distinguishing that from, I'm not entirely sure I do understand", Peter responded.

"Everybody agreed he was guilty of taking the car, kidnapping the girl", Beverly said.

"Okay. Um, yes or no rather than a name. Do you know who made the
statement at the bottom of the page about Susan Shuttlesworth not having the opportunity for an appeal?", Peter asked.

"Yes".

"Waiting for an objection to this question, please state the name of that juror?", Peter asked with a prophecy given.

"I'll object your honor. I don't see the relevance", the kangaroo said throwing a hissy fit.

"Overruled", the robed kangaroo said surprising everyone.

"Who was that that made that statement?", Peter asked.

"Peggy Travis. However, she was not the one who made the statement above that. I combined that into one general statement, not specifying into two people", Beverly answered.

"Let's break those statements up. Which statement did Peggy Travis make?", Peter asked.

"She made--another man made the statement about Susan Shuttlesworth would spend her life without receiving justice, and then Peggy added that because she did not have the chance to have this case tried over if we made a mistake in the verdict, where as he had a right to an appeal, to appeal", Beverly said.

"Um, and then your statement is how long do people spend in prison now anyway?", Peter asked.

"Yes, as a response to hers, spending his life in prison", Beverly said.

"Up about four paragraphs, is that a correct statement of the foreman's position?", Peter asked.

"Which one?", Beverly asked.

"Four paragraphs, up where it says, latter the foreman stated, page one,
middle of the page?", Peter asked.

"Um-hum. His position? How do you mean that?", Beverly asked.

"Is this statement in the affidavit correct?", Peter asked.

"It was a statement that was made, which it came down to the final analysis of determining the case was the statement that he made. I don't know that it was his position", Beverly said.

"But it is his statement. This is a direct quotation of his statement?", Peter asked.

"Not exactly. It was--what i remember that he said, i don't know that it was an exact statement, but it was the essence of the statement made", Beverly said.

"But he said you either will believe the girl's testimony or the defendant's plea of innocence?", Peter inquired.

"No. He did not say we had to believe anything. He said we were asked to believe. We were asked to decide. No one ever said anybody had to do anything", Beverly answered.

"As best i recall yes. He was never, he never did anything to insinuate somebody had to do anything".

"And that would have been toward the conclusion of the proceedings?"

"Yes".

"Pass the witness", Peter said.

"We have no further questions of the witness your honor. We'd ask that she be excused", Mr. Black said for his idol.

"No objection", Peter announced.

"She's excused. State's next witness. Mr. Thomas", the robed kangaroo
said to his ego counterpart.

Mr. Boles came into the court room, after being called by Mr. Black, and he took the witness stand. And the wonderful law abiding citizen Ms. Spradling waltzed out of the court house.

"State your name please", the kangaroo said.

"Robert Keith Boles".

"And were you the presiding juror in the case of the state verses John Wesley Banos?"

"Yes sir".

"And i believe you're employed, work out at E-Systems?"

"Yes sir".

"What do you do out there?"

"I'm a computer analyst. I put people on the computer and i shop".

"Mr. Chamberlain, could you and Mr. Banos hear the witness?", the robed kangaroo asked. "Mr. Boles, pull that mike up. See if that will help", the robed kangaroo added.

"Okay. Now did we ask, the District Attorneys ask, ask you to give an exhibit or make up an affidavit in response to an affidavit by a Ms. Samples?"

"Yes sir".

"All right. I'm going to show you what's been marked as Exhibit A and ask you, is that a copy of the affidavit you gave?"

"Yes sir. It is".

"All right. Your honor at this time, we would ask that Exhibit A attached to the state's controverting motion be admitted into evidence for consideration by the court", the kangaroo said.
"All right. And was there any comment or correction to them?", the kangaroo asked.

"Yes sir. Every time the conversation strayed toward that, several people, myself, and certainly Ms. Samples included said, we can't use that. There was no misconception there. It started at the jury selection. It went through the Judges orders, and the first thing we discussed is that is not a valid argument here", Robert said.

"Okay. All right. Now i'll ask you, was there in your recollection, when you realize that Ms. Weems and Ms. Samples were voting not guilty and everybody else was voting guilty, was there any yelling or screaming at them?", the kangaroo asked.

"Well you'll have to help me out here on the, when they were voting not guilty. Are you talking about a specific time, because--".

"Well any time. Did the jurors start yelling and screaming at them?", the kangaroo asked as he interrupted him.

"During the entire time there was no yelling or screaming", Robert said lying with ease.

"All right. Was there, there was obviously discussions, deliberations?", the kangaroo asked.

"That's what we went in there to do", Robert said.

"Okay. Did, did they ever actually vote not guilty?", the kangaroo asked.

"No. That's--no sir".

"How did they vote?"

"Ms. Samples voted guilty on all three secret ballots. I passed the slips around, and she voted guilty on all three. Ms. Becky--i never did get her last name--".
"Weems", the kangaroo said.

"Weems, yes sir. When we passed around those secret ballots and then we filled them and, and we counted them she stopped, and she said I change my mind. I don't want to do this, and we stopped and we said okay, what's the situation here?", Robert said.

"Yes sir. At that point, it was eleven to one?", the kangaroo asked.

"No sir. It was twelve-zero, but she said as we were counting, I want to change my vote here. There was never, nobody ever wrote not guilty on a ballot. I saw every ballot", Robert said.

"What do you mean, when they voted a ballot? There was just no mark there?", the kangaroo asked.

"No. We had these little slips of paper, and you wrote guilty or not guilty, and everybody, twelve people wrote guilty on there", Robert said.

"That's at the end, the last time?"

"Yes sir. Obviously, we voted three times for three counts".

"Oh I see. You voted three different times for each count?"

"Yes, one time per count. I don't know the legal terms", Robert said.

"All right. Okay. Now you were in charge of the deliberations, or presiding juror. Did you notice anything that you would consider was, quote, pressure on them to change their vote?", the kangaroo asked.

"No sir i--".

"All right. There was discussions?", the kangaroo hurried up and asked cutting off Robert to keep him from revealing any truths.

"Yes sir", Robert said.

"There were people asking why you're voting that way, all kind of things like that?"
"No objection", Peter said.

"That exhibit is admitted", the robed kangaroo said as expected.

"Thank you, your honor", the kangaroo said winsomely.

"All right. Now Mr. Boles, Ms. Samples made a statement that you said something to the effect, you either believe the, either believe the victim or you believe the defendant. Do you recall her making that allegation?"

"When i read it in her affidavit, yes sir".

"All right. What did you in fact, say in reference to that?"

"To that specific statement of hers, what i wrote down is the, basically what i was saying was that my focus of the case was Susan Shuttlesworth's story, and i was focusing on, in my statement, the one that she said repeated several times, was geared toward that in this particular case, do you believe Susan Shuttlesworth is pointing out the correct man or not. I didn't really draw the, you believe her or him. I never, never did make that statement", Robert said.

"So your quote in here, do you believe Susan Shuttlesworth's story or not, do you believe she is identifying the correct man or not?", the kangaroo asked.

"Yes. That was what my comments were towards that, as far as repeated several times", Robert said.

"All right. Now did anybody mention or say, lets take into consideration the defendants failure to testify?", the kangaroo asked.

"No one ever specifically said, let's take into consideration", Robert said.

"Did someone mention that he didn't testify when you were deliberating?"

"During the day and a half, there were some people that said something to that effect", Robert said.
"Well once again, i hate to keep harping, but there was never a time when Ms. Samples said, i believe this man is innocent, and y'all got to convince me otherwise. There were two situations, there was people who came, i guessed walked in thinking guilty all the way that were saying, i think this is, hear my evidence for guilty, and then there were people who were undecided, but we never had a discussion over, i'm dead convinced he's not guilty. That, i don't think that was ever a--there were people who were undecided", Robert said.

"Question on Voir Dire, if i may?", Peter asked.

"Judge on what issue?", the kangaroo asked.

"How are you using the term innocent and not guilty?", Peter asked as he saw that the judge was not going to prevent him.

"I don't know--the term--"

"Hold up. Can you clarify on the purpose of your Voir Dire?", the robed kangaroo decided to ask out of curiosity.

"He's using a pair of terms innocent and not guilty as though they were synonymous", Peter pointed out.

"Judge he can cross-examine the witness when it's his term", the kangaroo said whining.

"I thought it would speed things up", Peter stated.

"Go ahead Mr. Thomas", the robed kangaroo said.

"All right. Now okay. When you got the final vote, twelve guilty, and you sign the charge, send it back to the court, did either Ms. Weems or Ms. Samples make reservations at that time?", the kangaroo asked.

"Neither one of them said at any time during the entire time that, i have a problem with this", Robert said.
"Okay. And then they came out, y'all came out, and do you recall the Judge saying to the jurors, is this your vote, everybodys vote, and everybody raised their hand? Do you remember that?", the kangaroo asked.

"Well not right off hand. I remember he asked me to the effect, is this your vote, and i said yes sir, and answered his question", Robert said.

"But at that point, neither one of them said anything at that point did they?", the kangaroo asked.

"No sir".

"All right. Did you notice, did Ms. Weems ever cry during the deliberations?"

"Not while we were all together. You know i don't--".

"So you never saw it?", the kangaroo asked cutting him off again.

"No. She didn't cry", Robert the liar said.

"Objection, objection. Leading, and his answer to that question is not, going on a dry record, is not going to make any sense", Peter said aloud.

"I'm going to overrule as to the leading, and i'm not sure about, you said the record needs clarifying?", the robed kangaroo said.

"The problem is that his answer to that question as phrased, if we were reading it back at the Court of Appeals, isn't really going to make any sense", Peter said.

"Read back the sequence of questions having to do--", the robed kangaroo said to the court reporter.

(The last two questions and answers were read by reporter).

"Objection overruled", the robed kangaroo said.

"Was there anything done or said to Ms. Weems or Ms. Samples that you would consider pressure?", the kangaroo asked.
"No sir", Robert said.

"Objection. Calls for conclusion", Peter said.

"Sustained", the robed kangaroo said.

"Did you form any opinion at the time of your jury deliberations and when you got back out of the courtroom, y'all reached a verdict, did you have an opinion at that time as to whether or not anybody had said or done anything to Ms. Weems or Ms. Samples to pressure them into voting guilty? My question is, did you have an opinion?", the kangaroo asked.

"No. I mean, I don't understand the question. I don't know whether no or yes is the correct answer here, but no one pressured her", Robert said.

"All right. No one pressured her?"

(Witness nods affirmatively).

"I'm going to pass the witness", the kangaroo said.

"Mr. Chamberlain", the robed kangaroo said.

"If I heard you correctly, did you not say that Ms. Weems was not crying while you were all together? Is that what you said?", Peter asked him.

"Well I was with her, yes sir. I'm saying she could have gone in the bathroom and cried. While I was with her, she was not crying. Reason I'm saying that, because if she said she did, it could have been somewhere else".

"Did you happen to observe her as she left the courtroom?", Peter asked.

"No sir".

"Is there anything in your educational background that would enable you to give us some intelligible answer as to the sound level in the jury room to compare this to anything or give it to us in decibels?", Peter asked.

"Judge he's already stated there was no yelling or screaming in his testimony judge", the kangaroo said.
"I'll overrule the objection", the robed kangaroo said surprising everyone.

"Is there anything in your training that would let you talk intelligibly about how loud things were?", Peter asked.

"No sir. I'm really having trouble talking intelligible about anything right now", Robert said.

"Why?", Peter inquired.

"This, this doesn't make a whole lot of sense to me. I guess i'm new at this trial thing. I'm a little nervous", Robert said.

"Okay. Do you have a copy of State's controverting motion that has exhibits A, B and C attached to it?". Peter asked.

"I think that's what this is".

"Let's turn to exhibit C, which is Ms. Spradling's affidavit okay. Have you had occasion to read this document before?"

"No sir, not--".

"Uh, would you drop down to the middle of the fourth paragraph, where it says later, the foreman stated", Peter said.

"Yes sir".

"Would you read that paragraph please, to yourself", Peter said.

"Okay", Robert said after he read it.

"Is that an accurate statement of fact?", Peter asked.

"It's a--it's not an accurate statement, the exact wording, but yeah it's a. I don't mind her phrasing it that way", Robert said.

"Is it substantially correct? Is that in substance what you said?", Peter asked.

"My educational background, i don't know what substantially correct means. I mean, for the most part correct sir", Robert said.
"Do you realize that you're under oath?", Peter asked.

"Yes sir, but you give me a word like substantially correct", Robert said.

"Read the statement out loud, starting with the foreman", Peter said.

"The foreman stated that most rape cases come down to word against word, because there are rarely any eye witnesses to the rape. We have only the testimony of one, since the defendant has elected not to testify, which means we are asked to believe the victim's testimony or the defendant's plea of not guilty", Robert read from Ms. Spradling's affidavit.

"Is there any part of that you can point to that's not what you said?", Peter asked.

"Well like i say, the exact wording, i don't, but yes, the gist of it is true", Robert said.

"Where are the changes in the exact wording?", Peter asked.

"Well this sounds a little more eloquent then i probably would have said it. This sounds pretty--".

"When it gets down to the last part that says, we are asked to believe the victim's testimony or the defendant's plea of not guilty. Is that correct?", Peter asked.

"Right. No. Thats where i couldn't think i was putting it in the form we are asked, but i was talking about my personal--when we had a chance to go around the room, this is where, this is coming from, in my personal opinion of the evidence, heres what--thats what i'm saying", Robert said.

"You were saying, were you saying that you had to believe either Susan Shuttlesworth's identification or the defendant's plea?", Peter asked.

"No. Like i say, i never mentioned his plea. Obviously i didn't harp on that. My focus was still on her. Thats what i'm saying, in my personal--is we
each had a chance to go around the room and tell what we believed. That's what this is coming from here", Robert said.

"Dropping down to the last paragraph there, do you recall that statement about how long do people spend in prison nowadays anyway", Peter asked.

"Not exactly, but yes, we did discuss a little of--i say discuss. There was a lot of statements like this that people--we talked about the weather. We talked about things like this, yes sir", Robert said.

"Is that paragraph, looking over that paragraph, keeping in mind that part of it is what somebody said and what somebody else said, is that paragraph a fair and accurate characterization of everything that happened in the jury room?", Peter asked.

"Like i say, i don't doubt that these words were said somewhere in there. I'm--i would be surprised if this whole paragraph happened in the order that it said here. I think these are four separate statements we're putting together here, is what i think, but yes, each individual statement by itself i could, i would say yes was stated, but i don't think it was a conversation like this, is what this kind of looks like", Robert said.

"From your common experience, would the level of voices in the jury deliberation have reached through the door and outside the jury room?", Peter asked.

"Your honor, i'm going to object. It's calling for speculation", the kangaroo said.

"It's a matter of common experience your honor", Peter said.

"The previous thing i sustained the objection", the robed kangaroo said.

"To a differently phrased question i believe", Peter said.
"Well, if the witness has an opinion, I'll let him express it. Overruled", the robed kangaroo said.

"What do you want me to--", Robert started to say.

"Would the level of debate have reached, particularly toward the end of deliberations have reached a point that it would have been audible through the jury room door and on out into the courtroom?", Peter asked.

"Well like I say, I've only been in that room one time, and I've never been outside that door you know", Robert said.

"Just from your experience of being on one side of a door or another when conversations took place?", Peter asked.

"Your honor we're going to object", the kangaroo said.

"Sustained", the robed kangaroo said.

"Would you point out who actually prepared your affidavit?", Peter asked.

"Well it's not very well written, but I did", Robert said.

"Okay. Were, was, was there anything suggested to you as to what should be in it what shouldn't be in it?", Peter asked.

"No sir. I wouldn't let them do that to me anyway", Robert said.

"There was an error. We've covered in the evidence earlier while you were out of the room, there was an error in the preparation of number five, the Samples affidavit. Did you read the Samples affidavit?", Peter asked.

"Yes sir".

"Apart from something in that paragraph, that does refer in the drafting to the foreman, that turns out to be an error on my part in the drafting and does not correctly reflect what she was trying to say. Is there anything else in Ms. Samples affidavit that you're prepared to say is a deliberate falsehood?"; Peter bravely asked the liar.
"Well I don't think it's any deliberate falsehood, I think that's how, as she played this thing over in her mind, I think that's how she sees it. Now I'm not accusing her of deliberate falsehood by any means", Robert said.

"Pass the witness", Peter said.

"No further questions. May this witness be excused? Judge, state would rest", the kangaroo said.

"Anything else Mr. Chamberlain?", the robed kangaroo said.

"For one matter in rebuttal, I'll call the defendant on one limited issue, which is the issue of what was audible in the courtroom", Peter said.

"Go ahead", the robed kangaroo said. "This is in the nature of rebuttal?", the robed kangaroo added.

"Your honor, if I could interpose an objection, each of those jurors stated that they didn't know whether the noise would carry to the other room, each answer was I don't know that it would or wouldn't. We don't think there's anything to rebut in the sense he's going to say yes, the sound did carry out there. That's not rebutting anything, because each one of them testified that they didn't know whether the sound would carry or not, and I think our objection was sustained on speculation. They said we don't know, no way of knowing, and we don't think it's proper to rebut that type of statement. If they had said no it wouldn't carry or yes it would carry, then that would be proper rebuttal, the opposite, but as it is, they said we don't know whether it would carry or not", the kangaroo said out of fear and dread that his witnesses will be exposed for giving perjured testimony.

"Your honor, the rebuttal goes to the affidavits and testimony that there was no yelling and screaming, not the carrying", Peter said.

"All right. Go ahead", the robed kangaroo said.
So John W. Banos walked to the witness stand, as he was still absorbing the testimony that he heard that was given by the different jurors today. So he sat down, and then he was sworn in to tell the truth.

"State your name for the record", Peter said.

"John Wesley Banos".

"And you are the defendant in this case?"

"Yes".

"You were present in the courtroom during the time on the 5th, 6th and 7th of February that the jury was deliberating the issue of guilt or innocence in this case?"

"Yes".

"Um, where were you seated if you recall, toward noon on the 7th on the last day?"

"I was sitting in the jury box by the jurors' door", John said.

"Could you hear loud voices, yelling or screaming in the jury room?", Peter asked.

"Your honor we're going to object. That's a leading question", the kangaroo said.

"Sustained", the robed kangaroo said as expected.

"Could you hear voices coming from the jury room?", Peter asked.

"Yes. I could", John answered.

"Could you make out what they were saying?", Peter asked.

"Yes. I could make out one statement that one of the female jurors made", John said.

"Was there a conversation between you and me in the courtroom at the time about the loudness of the jury?", Peter asked.
"Leading your honor. We object", the kangaroo said.

"Overruled", the robed kangaroo said.

"Yes", John answered as he learned from watching he could answer the question if the judge ruled in their favor.

"Tell the court briefly what I said", Peter said.

"You came up to me and said, they sure are loud in there, and I said yes", John answered.

"Do you recall my turning to the court reporter and making a statement about this?", Peter asked.

"No. I cannot recall", John said.

"Would it be fair and reasonable to characterize what you heard on that occasion as yelling or screaming?", Peter asked.

"We object your honor, that's leading", the kangaroo said.

"Sustained", the robed kangaroo said.

"Did you hear anybody yell that day?", Peter asked.

"Like I said, I was sitting in the jury box, and I could hear them yelling.

I could hear their voices through the door", John said.

"How would you describe their tone of voice of what you heard?", Peter asked.

"As loud and very argumentative", John said.

"We're going to have to take a lunch break here", the robed kangaroo said looking for a way to escape the truth of John's words.

"I'm going to pass the witness", Peter said.

"Judge I've got one question or two questions", the kangaroo said.

"All right. Would this jury box and that door be approximate locations?", the kangaroo asked.
"Yes, except it's the other way around", John answered.

"Othertway around in the other courtroom, and i think the doors more
toward the back right?"

"Yes", John said.

"Where were you seated in the jury box?"

"I was sitting in the first chair", John said.

"Right by the door?"

"Yes", John said.

"So three feet from the door?"

"Yeah, about three feet", John said.

"Pass the witness", the kangaroo said.

"No further questions", Peter said.

"You may step down", the robed kangaroo said.

"Do you all want to argue now?", the robed kangaroo asked.

John was then escorted back to the Hunt county jail of justice, and he
returned to his cell, and then laid down on his comfort mattress. And then
he started re-calling the testimony of the jurors.

He wondered who's voice it was that he had heard threw the door that day. It
was either Ms. Samples or Ms. Weems.

But what was very obvious here, is that the jurors for the state took the
stand and intentionally gave perjured testimony for the D.A.

And the judge knew that they were committing perjury. Because he heard the
yelling that was coming out of the jury room on February 7th. Everybody in
the courtroom heard it. And that is why Peter kept asking them do they know
their voices could be heard through the door.

Just then John had a startling thought. "If they was working for the D.A.
to come to the court house and give perjured testimony at the hearing for a new trial, then what is the chance that they were also working for the D.A. inside the jury room to get a guilty vote?", the thought came to John as he laid there.

Right then John was convinced that they were in fact working for the D.A. to get a guilty verdict.

But the million dollar question that John had was. "Why is this happening to me?", John asked himself.

He didn't receive an answer. Destiny would not be rushed into answering a mortal's question.

And the robed kangaroo denied his request for a new trial. No surprise there now was there?

John would reach the conclusion later on, that this hearing was an act for the benefit of Mrs. Samples and Mrs. Weems to help solidify the illusion that they want to create in the minds of the citizens. And the illusion was, that they held this hearing to really make sure that the jury trial was a fair and honest trial. But the hearing was rigged just like the jury trial was.

And the judge, the D.A., the court reporter, and the bailiff all heard yelling coming from the jury room. And so the judge knew that Mrs. Travis, Mrs. Spredling and Mr. Boles had come into his court room and committed perjury when they said there was no yelling taking place in the jury room.

But see naïve citizens of America, it is alright for those three to conspire with the D.A. to commit perjury, because they are the 'good criminal' of the Lone Star State, and they are above the law. And you John Q. Public citizens are under the law, innocent or guilty.
Sometimes I believed that justice would prevail, even though the judicial system was in the grip of Satan himself.

An excerpt from a letter wrote by John Banos

In the desire to see justice prevail, the only route is the risk of one's own life.

An excerpt from Diary of Vile Truths by Sir Gammad
VIII

John was now housed in solitary confinement courtesy of a gangsta snitch that John had a verbal confrontation with.

Due to the fact that John was residing in the cell block with some unsavory characters, John decided that it would be in his best of interest to maintain a weapon on his person for self defense.

So he had some words with Leroy Smith, and Leroy was a member of some gang. So John was inside his cell sitting on his comfort mattress trying to understand why all of this was happening to him, and how he could defeat the corrupt judicial system. So another inmate told Leroy that John kept a weapon on him, and Leroy ran to the caucasian jailers and informed them that John had a weapon. So his property was searched by the jailer, and they found his weapon, and thus he was placed in solitary confinement.

And on every Monday a christian lady named Melissa Taylor, would come back here to solitary and share scripture with John, and Todd who was across the hall from John in a cell. And the tray slot was opened on the door, and she could sit down and talk with John and Todd. But John was intrigued about her, because she took time out of her day to voluntary come up to the jail, and spend time with John. And she was not being paid to do so. So obviously she was really concerned about him, and his spiritual health. John was very appreciative of her visiting him.

But on this day she was given everyone in solitary communion, and John looked out his tray slot, and saw that Melissa was talking to a mexican man next door to him on his right.

So while she talking to him, and her back was turned to a black inmate named Robert Shell who was in jail for raping a three, four and
six year old little girls. And he went to prison the first time for raping his own sister. So John watched as Robert stuck out his hand and arm from the tray slot, and he touched Melissa on her private part, and instantly John was filled with rage.

Melissa turned around and said something to Robert, but John was so mad he blocked out all sound, and he couldn't hear what she said to the beast.

And John knew that they were scheduled that morning to go to outside recreation, and so John would wait till then, and then he would smash on him. Also John knew not to say anything to Robert, because any time someone said some thing to him, he would then claim that he couldn't go to outside recreation, because Jesus told him not to.

So John had to wait about another hour, and then they were let out of their cells to go to recreation, and John waited until Robert walked passed him, and then John walked behind him.

So they walked down the hall way, and made a left turn, and they walked down the stairs. Then walked down another hall, and then made a right turn and headed for the door that lead to the outside recreation yard. John waited until Robert was in the middle of the recreation yard.

"Why did you grab her?", John asked him while walking behind him.

"What did you say white boy!", Robert said as he spun around.

John already had his fist balled up, and so he raised up his right arm, and pulled it back, and swung his fist hitting Robert on his cheek, as he then swung with his left fist hitting him on the forehead.

Robert stumbled backwards, and then he swung at John, but his reach was lacking, and it didn't touch John.
John then decided to shift his body, so that his next punch would connect with his eye, and as John moved his foot, his shoe slipped on something and John lost his balance, and fell onto one knee.

So Robert came up, and hit John twice in the back of his head, so John reached out and grabbed Robert by his ankles, and then yanked them toward him, and Robert fell flat on his back.

So he was out of reach, and John couldn't hit him in his face, so he started punching him in his ribs, and hit him there about eight times, and Robert shifted on him. So then John punched him in his family jewels, and that is when a trusty pulled John off Robert, and the jailer gave Robert an order to stop fighting. So Robert tried to kick the jailer, so the jailer kicked Robert in his ribs with his cowboy boot, and that caused Robert to cease from what he was doing.

So now you can see that when John gives his word to do something, that he will in fact keep his word, and that he will do it. And John's action clearly shows everyone also that chivalry is not dead in America, and that there are men who will keep it alive.

John was taken to an office type area, and there he was examined to see if he was injured, but John assured them that he wasn't injured. And then after Robert was placed in his cell, the same jailer that kicked Robert in his side escorted John back to his cell.

"Why were you fighting him?", the jailer asked.

"I hit him, because when the christian lady was up here earlier giving us communion, Robert reached out with his hand, and touched her in her private area", John answered him. John was still mad at what the beast had done to her, and he was so mad he couldn't remember her name.
So once again destiny had made a move, that resulted in John being placed in solitary confinement, because Robert the sicko was going to do what he did. And so destiny allowed John to be here, and for him to see it, so that he could take the actions that he did.

And now John would this event to be included in his story, so that he can demonstrate the kind of person that he is. And if John felt that he had some misguided right to force himself upon a woman that he doesn't know. Then most assuredly he doesn't have the right to cast judgment on Robert for doing what he has done. But because John is innocent of the false charge, then his true inner self will be revealed when such a circumstance presents himself. And John believes that no man has a right to mistreat any woman in any given situation.

But then John also was able to perceive that these truths here still wouldn't matter to the Enemies of Justice, and that when he went to jury trial it was a rigged jury trial, and the ten jurors would have still voted guilty. But it would have caused Ms. Samples & Ms. Weems to hold their ground, and not be bullied by criminal jury members into changing their vote from not guilty to guilty.


John knew for sure that Mr. Boles, Ms. Travis and Ms. Spradling was working with the D.A. to get a criminal conviction. But now he was
wondering how many of the other jurors were possibly working for the D.A. to get a guilty conviction?

And John was surprised when he discovered that two women felt that he was innocent. Because John thought that just because of the nature of the charge, that all women would let emotions over ride all other elements. But instead it was two women that believed that Ms. Shuttlesworth had mistakenly identified him as the suspect, and it was Ms. Samples that pressured Peter for a hearing.

So in this engagement, John's main enemy that he was actually in battle with wasn't the D.A., but it was the criminal minded jurors that were picked for his jury trial who were operatives for the D.A. to get a guilty conviction. The Enemies of Justice.

Friday March 29, 1990 2:34 p.m.

Greenville, Texas

"Yes i will have the money transferred to the account from my bank, and as soon as i get off the phone i will go to the bank and have it done", Duncan said to the lady.

"Yes. Send the documents to the address that i gave you, and i did send you the Performance Bond along with the others", Duncan said.

Bruce was setting there patiently waiting for Duncan to complete the financial transaction with the Federal court in Chicago.

"All right. All right. I will take care of it", Duncan said as he hung the phone up by placing it into the receiver.

"Did you buy it?", Bruce inquired.

"Yes. I was able to buy the judgment bond on the Banos conviction, but i wasn't able to purchase the judgment bond on the Young conviction. It
went to another investor before I could get it", Duncan said.

"Is it a thirty year bond?", Bruce asked.

"Unfortunately so. Due to the kind of bond it is, that was all we could expect. But for all of our hard work, we will have to wait thirty years before the bond matures, and we can get the money on it", Duncan said sadly.

"That is a long wait", Bruce said.

"Well we must save guard our assets. I received a phone call from Kenneth Stripling, and he has informed me that the judges have been snooping around his office here lately", Duncan said.

"Kenneth is the clerk for the 5th circuit court of appeals?", Bruce asked.

"That is him. So we must take drastic action to defeat the conservative judges there. So what I want you to do, is to break into the clerks office here, and collect all documents pertaining to the Banos trial. And make sure you get all of the affidavits and exhibits, but that especially that you get the photo lineup. We cannot let the judges see that", Duncan said to him emphasizing the photo lineup.

"Okay sure no problem. I know just the perfect man to do the job for us", Bruce said with confidence.

Sunday April 2, 1990 11:30 p.m.

Greenville, Texas

David looked around the clerks office, to make sure that he had everything that Bruce wanted him to get. He was out of town when Ms. Shuttlesworth had reported the theft of her vehicle to the police, and as soon as it hit the wire, he had a friend notify him of it.
So it was his plan to keep his promise that he made to Susan, but when Bruce arrested another man for it, he decided that he would be merciful and let Susan live.

Tuesday April 4, 1990 9:12 a.m.
Greenville, Texas

John was sitting on his bunk and he was smoking a cigarette, when a jailer showed up to notify him that his lawyer Peter wanted to see him. So John was escorted to his lawyer.

"Hi there", Peter said.

"Hi yourself", John responded.

"I was working on your appeal, and I had returned the Statement of Facts to the clerks office. But then I came across a new ground of error that I wanted to put in your brief. So I went to the clerks office, to check out the statement of facts again, and that is when Mrs. Price discovered that your statement of facts was missing. But she also discovered that all of the exhibits were missing, and that the log was also missing. So I have filed a motion for extension of time, which I am sure that the court of appeals will grant the request. So I came here to let you know what has happened", Peter said.

"Yeah sure. Ok", John responded in a bewildered tone of voice.

So John was escorted back to his cell. He sat down on his comfort mattress, and was reading the motion for an extension of time, that had a signed affidavit attached to it from clerk Mrs. Price.

"Wow", John said aloud. "They will do anything to keep me from proving that I am innocent. And if all exhibits have been stolen, then that means that the photo lineup is missing, as well as the Pre-trial stipulation
where the D.A. admits that Susan had mistakenly picked me as the suspect", John said aloud as he was running all of this data through his mind. "It is hopeless", John said to the four walls.

He didn't receive an answer back from anyone.

Wednesday April 5, 1990 12:00 p.m.

Greenville, Texas

John was sitting on his comfort mattress thinking about everything that he had learned since his arrest. And he was experiencing a major emotional roller coaster ride. There was bitterness, anger, resentment, sadness, etc., and then got to thinking about what his mother had told him about Yahweh, and what Melissa had told him about Yahweh & Yahshua.

And John knew that he was out numbered severally, and that he needed Yahweh's help in a profound way. So he was sick and tired of the emotional garbage that he was carrying around inside of him, and so John prayed and told Yahshua that he believed that he died on calvary for his sins, and he asked Yahshua to come into his heart and save him.

And as soon as John ended it with a Amen, instantly all of the negatives feelings that was inside instantly disappeared, and he felt clean and whole inside. Right then John knew that he had been spiritually reborn, and that Yahweh and Yahshua is real, and that the bible is legitimate.

As soon as John experienced that wonderful transformation inside of him, he was able to discern that he was way over his head in a spiritual way, that was enormous. So John then said another prayer, and he asked Yahweh to take 100% control of his life mentally, physically and spiritually.

And that day there started an amazing spiritual journey that John would embark on, where he would learn more about Yahweh, and Yahweh's destiny for
His life here on planet earth. And also during this journey he would engage in spiritual battle with the leader of the Enemies of Justice, oh Satan himself. But the road was a long one to travel, and he would slowly mature spiritually, and become stronger spiritually. And John would eat the honey and butter so that he could become strong spiritually, and become a voice of truth.

Friday June 24, 1990 8:00 a.m.

George Beto 1 Unit

Tennessee Colony, Texas

John had received a lay in the previous night notifying him, that he had to come to the mail room, because they had some legal mail for him.

So it was a letter from his lawyer, along with a copy of the lab report from the FBI crime lab. So John read it, and he was shocked at what he read, because he was kind of numb to the corruption. So this is what the lab report has on it:

REPORT
OF THE
FBI
Laboratory
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C.20535

To: Department of Public Safety  
350 West Interstate 30  
Garland, Texas 75043-5998

Re: John Wesley Benos-Suspect  
Susan Leigh Shuttlesworth-Victim

May 25, 1990

FBI FILE NO. 95-290981
LAB NO. 91023024 S QF
YOUR NO. LID-51194
Examination requested by: Addresssee
Reference: Communication dated October 21, 1989
Examination requested: DNA Analysis

Specimens:
Q1 Vaginal Swab
Q2 Cutting from panties
K1 Dried bloodstain from Susan Leigh Shutlesworth
K2 Dried bloodstain from John Wesley Banos

ALSO SUBMITTED:
Saliva sample from victim
Oral swab from suspect
Prostate swab from suspect

Result of examination:
Deoxyribonucleic acid (DNA) profiles for genetic loci D2S44, D1S7, D4S139 and D17S79 were developed from HAE III digested high molecular weight DNA extracted from specimens Q2, K1 and K2. Based of these results, the DNA profiles from Q2 match K2. The probability of selecting an unrelated individual at random from the caucasian population having a DNA profile matching K2 is approximately 1 in 3.6 million.

DNA profiles were also obtained from specimen Q1 for genetic loci D2S44, D17S79 and D4S139. These profiles also match profiles from specimen K2.

The submitted items and the probed membrane will be returned to your office under separate cover by registered mail.

John did find himself being surprised at what he read. Because the D.A.
will go to any corrupt lengths in his sinister agenda. He has someone making up dried blood stains, and so he will do anything.

"But why?", John asked himself.

John then read the cover letter from the Assistant D.A. H. Craig Black, and this is what he wrote;

June 18, 1990

Dear Pete,

As you know our office finally received the results of the DNA testing done on John Wesley Banos. The results (see copy on attached pages) showed that the odds of another person having the same DNA type as John Wesley Banos is 1 in 3.6 million. DNA matching John Wesley Banos was found in the vaginal smear done on Susan Shuttlesworth at the hospital on the night of the assault. This evidence, when combined with the positive identification by the victim and the other evidence placing Banos at the scene, is overwhelming. It is very obvious now why Banos was anxious to proceed to trial without the results of the DNA analysis.

In view of this new states evidence should there be another trial our office will seek a sentence of life imprisonment. If you have any questions please feel free to contact our office.

H. Craig Black
Assistant District Attorney

John knew that they would do something to falsify evidence, just like they did to Steve. And it was then that John learned to trust his instincts. But also he was learning just how corrupt F. Duncan Thomas and Hunt county is.
Tuesday December 9, 2014 8:06 p.m.

H.H. Coffield Unit
Tennessee Colony, Texas

During the last twenty five years, John has appealed his case to state courts, the federal courts, and all the way to the U.S Supreme court, and at every level his pleadings were denied in violation of his U.S. Constitutional rights, and statutory law. None of the clerks and judges care about innocent people, and they are hostile to due process of law and justice.

The latest legal pleading that John had filed in a vain attempt to obtain justice, was in April of 2012. And he filed a 'Petition for a Writ of Audita Querela Decree Nisi in the 354th judicial circus of Hunt county.' In this Petition John raised three issues, which are (1) Void Conviction because under Texas Law a district or county attorney has to sign the information. And in my case Detective Bruce Hudson was the person who signed the information. (2) Brady Material, because in 2001 John obtained lab reports from the FBI crime lab that was with held by the D.A. when John went to jury trial. And the lab report says that the vaginal swab tested to be blood type A, and that John's blood type is type O blood. (3) Upon me being convicted of the crime, the state sold my judgment to the federal government with out notifying me about it, and given me the opportunity to purchase it.

So the writ was denied by operation of law, and i appealed the decision to the 5th circus court of appeals in Dallas, Texas by filing a Mandamus and on July 24, 2012 kangaroo Justice Lena Myers denied my petition.

I then appealed that decision to the Court of Criminal Appeals in
Austin, Texas, by filing a Mandamus, and on October 24, 2012 the kangaroo's denied the Mandamus without a written order in writ number #23,030-15.

Incarceration of an innocent person offends due process therefore a bare innocence claim raises a constitutional challenge to the conviction, EXPARTE TULEY 109 S.W.3d 388 (Tex. Cr.App.-2002).

So in 2002 the Court of Criminal Appeals believed that incarceration of an innocent person offends due process of law. But when i filed my claim of being innocent in 2012, they had changed their opinion.

And John in November of 2010 wrote a letter to the U.S. Attorney in Dallas, to Mr. Richard A. Roper, and John asked for his office to conduct an investigation into F. Duncan Thomas and Hunt county for having him convicted of a crime that he is innocent of. He told Mr. Roper about his hair length, and hair color. He told him about the Lab reports that the D.A. with held from him. He told Mr. Roper about the Pre-trial stipulation that everyone had signed.

So Mr. Roper gave the complaint to the FBI in Dallas who are located at One Justice Way. So John received a letter from the FBI dated September 10, 2012 under file number 282-0, and the letter is from Supervisory Special Agent Mr. Ryan G. Zarfoss. And this is what Mr. Zarfoss said in relevant part;

FBI Frisco was unable to locate any evidence, that officials of Hunt County District Attorney's Office or Detective Bruce Hudson, Commerce Police Department, conspired to violate your civil rights during the course of your arrest and conviction.

So at the end of the letter, he said if i have additional information
to support the investigation, that John should send it.

So John did exactly that. He wrote a letter dated September 25, 2012 to Mr. Zarfoss telling him about the false dried bloodstains that were created. And John never received a response back from Mr. Zarfoss notifying him that his office would investigate that crime.

During the journey that John was on, he took specific notice of a very interesting fact involving this whole episode.

And John took notice of the fact, that F. Duncan Thomas was very bold in his corruption. He knew that he didn’t have to fear any state or federal agency or judicial court looking into his unethical behavior and conduct.

'Single acts of tyranny may be ascribed to the accidental opinion of the day: but a series of oppressions, begun at a distinguished period and pursued unalterably through every change of ministers, too plainly prove a DELIBERATE, systematic plan of reducing [a people] to slavery'.

Thomas Jefferson
Rights of British
America 1774

In a time of deceit, telling the truth is a revolutionary act.

George Orwell

So now John wonders will his story wake up the American people, or will the words of Jonathan Grubber ring true and loudly across the fruited plains of America?

'OJ JUSTICE, WHERE ART THOU?'

I searched for Lady Justice, but I couldn’t find her.
OH JUSTICE, WHERE ART THOU?

We review the evidence in a light most favorable to the verdict to
determine whether any rational trier of facts could have found the
essential elements of the offense beyond a reasonable doubt, JACKSON

I looked for thee in the statutory laws
and court case rulings, but thou was not found.

OH JUSTICE, WHERE ART THOU?

Any judicial officer incapable of presiding in fair and impartial
manner violates due process rights of party who suffers resulting
effects of that judicial officers bias, BIGBY V. DREITKE 402 F.3d

I looked for thee among the statute
of liberty, but thou was not found.

OH JUSTICE, WHERE ART THOU?

The ENDS of justice requires court to entertain such petitions
where prisoner supplements his constitutional claim with a
colorable showing of factual innocence, KUHLMANN V. WILSON
106 S.CT. 2616 (1986).

I searched for thee in the forest
of light, but all i found was darkness.

OH JUSTICE, WHERE ART THOU?

It is a violation of due process to convict and punish a man with
out evidence of his guilt, THOMPSON V. CITY OF LOUISVILLE 80
S.CT. 624 (1960).

I searched for thee in the halls of
justice, but all I found was
DUST & COBWEBS.

OH JUSTICE, WHERE ART THOU?
The Writ of Coram Nobis provides a remedy for those suffering from
the lingering collateral consequences of an unconstitutional or
unlawful conviction based on error of fact and egregious legal
errors, U.S. V. WALCRED 885 F.2d 1417, 1420 (9th Cir. 1989).

I searched for thee in the Milky way
& stars, but all I found was a void and darkness.

OH JUSTICE, WHERE ART THOU?
To determine whether a right is protected by due process clause
court must look to traditions and collective conscience of the
people to determine whether a principal is so ROOTED there as to
be ranked as fundamental, U.S. V. STATE OF TEXAS 252 F.SUPP. 234
(W.D. Tex. 1966).

OH JUSTICE, WHERE ART THOU?
WHERE ART THOU?

After the Writ of Habeas Corpus that John filed pursuant to 28 U.S.C.
§ 2254 was denied in violation of law in the Federal court in Dallas in
August of 1996.

So then in May of 2001 John sent a Writ of Error Coram Nobis to the
Federal court in Dallas, and John outlined for the court the facts that
shows he is innocent, and of all the legal remedies that he pursued to
obtain justice. And relief by a Coram Nobis proceeding should be allowed
only under circumstances compelling such action for the purposes of
achieving justice, U.S. V. MORGAN 74 S.CT. 247, 346 U.S. 502, 98 L.ED
248 (1954). The knowing use by the government of perjured testimony against accused to obtain a conviction constitutes a ground for vacation of the conviction a sentence under the statute, SEARS V. U.S. 265 F.2d 301 (C.A. Fla.).

And the magistrate judge utilized ‘Legal Fiction’ on John, and she said that he was filing a second Habeas Corpus, but i wasn’t filing a Habeas Corpus because the Coram Nobis is a different type of legal pleading. And the U.S. Supreme Court has ruled that Coram Nobis is not the same thing as a Habeas Corpus.

So what John has learned, is that all judges are corrupt, and they are the Enemies of Justice as well.

And the court has held that a Writ of Coram Nobis exists to correct errors of the most fundamental character and will issue only to correct errors resulting in a complete miscarriage of justice, SANTOS-SANCHEZ V. U.S. 548 F.3d 327 (C.A.5 [Tex.] 2008).

In November of 1995 John wrote a letter to F. Duncan Thomas in an attempt to obtain justice. And Mr. Thomas wrote him back in a letter dated November 28, 1995, and this is what he said to John;

Dear Mr. Banos:

Concerning your letter of November 13, 1995, your claim of innocence is puzzling to me. I do not know what arguments you would make.

My office received results from DNA testing after your trial which confirmed that you were indeed the perpetrator of the charges.

I have no evidence or arguments of your innocence.

Sincerely,
F. Duncan Thomas
Everyone who reads this should be able to perceive and understand just how sick and twisted Mr. Thomas is in his head, because he lives in a realm of delusion. He has someone at the state crime lab create some false blood stains, that produces a result that he wants. And in his mind that means that John is guilty.

And Mr. Thomas and his kind who are also D.A.'s across America, and those who are judges are also Enemies of Justice.

And John discerns that someone at the state crime lab, working in a conspiracy with the D.A. created those blood stains, because the lab reports clearly show that the Commerce Police Department never sent to the crime lab a dried blood stain supposedly belonging to John and Ms. Shuttlesworth. And according to the lab reports, the dried bloodstains are a piece of square cotton that are similar in appearance.

So we have to identical pieces of cotton here, and one belongs to Ms. Shuttlesworth and one to John. So what are they saying here.

I guess they are saying during the course of incident accruing on June 25, 1989, that both John and Susan took a piece of cotton, and voluntarily put their blood on it, and then left it in the police car for the police to find.

On May 26, 2012 because John wouldn't do any work on the Sabbath, Lt. Donna S. Jennings a law abiding government employee of TDCJ-CID wrote a bogus case on John, saying that he would assault her. So he was locked up in solitary confinement as a result.

But while he was in there, he came up with a song he titled 'Mr' that was wrote on June 10, 2012 at 2:15 a.m. in the morning. And it is a song that John could hear Allan Jackson singing, and here is the song.
'Mr. Wall, will you open a portal and set me free,
and he said, i'm unable to, i am locked in just like you,
and i have met men like you, who are innocent and they have
told me their stories, i wish i could help you, but i will pray for you.

Mr. Light, can you light the way out of here for me,
this place is so cold & dark, and he said, i can't help you
my friend, 'cause my light can't shine past the veil of darkness
upon this place, i wish i could help you, but i am not that
strong, but i will pray for you.

Mr. Toilet, can you flush me out of here please, and he said i am
unable to 'cause my pipes are too small, and i wish i could help you,
but i will pray for you.

Mr. Judge for the hundredth time, can you set an innocent man free,
and he said, no i want help you, and leave me alone i don't care
about you.

Mr. Politician, help me get a pardon for innocence, and he said,
no i want, and leave me alone, you can't vote for me anyway.
I looked at lady liberty with a plead on my face, and she put her
hand over her eyes, and turned away.

    Twenty five years and i am still here.'
AFTER WORD

The dream that i had in 1989 that i would go to Commerce, Texas and be
arrested for a crime that i am innocent of was a real dream.

Some of the dates in this story are made up since i can't remember
the actual day that everything took place on. And or because i can't obtain
legal documents from my case is why i don't know the actual date.

What happened in Mr. Thomas life that inspired him to become a GREAT
DISTRICT ATTORNEY, and send innocent people to prison i really don't know.

So i made up that story about him and the house burning down, but i
used it to demonstrate that something happened to him in his life, to put
him on the course of life that he took.

So the citizens of every county in America needs to vet the man or
woman who wants to be elected as D.A. in their county, because you might
have a Mr. Thomas running for office.

And what actually happened that night between David, Susan and Mr.
Sutton i have no way of knowing. But here is why i chose this route.

In 2000 when i was on the Telford Unit in New Boston, Texas, i met a
man name Paul who is from Commerce, Texas. And when i told him what i
was convicted for, he recognized Ms. Shuttlesworth's name. And he told
me that in 1987 he was at a party, and that three Collage guys all had
sex with Ms. Shuttlesworth at the same time.

And then the next day, she went around the neighborhood saying that the
man had raped her. So i see here that she likes to party.

And Mr. Sutton also liked to party, and he went to the back of the bar
that night to find out where the parties were being held at. And then
Mr. Sutton meets David who likes to party.
And from what Mr. Sutton had said, and what Ms. Shuttlesworth had said, there appeared to be some interest in her purse and money.

So this is what lead me to write the story the way i did. And they claim that when Ms. Shuttlesworth was examined by the doctor at General Citizen Hospital, and that the examination concluded that she was raped.

But yet the state didn't present any evidence at trial to support that claim, and so that makes me think that the examination shows the exact opposite. And the D.A. was into sensationalism, because him and Mr. Sutton conspired together to dramitze a knife story, so as to invoke emotions from the jury. So if the examination by the doctor showed that she was raped, then i am confident that Mr. Thomas would have used it.

And i did meet two black men on separate occasions, and they told me that Ms. Shuttlesworth would have sex with any man at any time.

And i did meet two black men, that told me that they had Mickey Money & Fred Eaton wanting them to sell narcotics for them. And then when i went to solitary confinement i met a caucasian man, who also told me that he had both of these men trying to recruit him, to sell narcotics for them.

The dream about the kangaroo's i made that dream up. And everything that i mentioned in the story that me and Mr. Sutton had done, all of those things did happen. And i did encourage his wife Kathy to assuault him, and she shoved him really hard.

And after my trial i believe is when it happened, but Mr. Sutton filed for a divorce, and Mr. Chamberlain was his counsel.

And i did run from Heather James at the movie threatrer, and so i hope that she forgave me for doing so.

But Caroline Welch had the misfortune of marrying a police officer
there in Commerce, and upon doing so, he made her to reject all of her friends, so my sister lost a good friend because of that cop. The part about her writing that thesis, i made that up, and Ms. Welch did go to Collage there, and so i decided to use her in that scene to illustrate the need for the American people to wake up, and see that your freedoms are in danger by corrupt men who become D.A.'s and judges.

Tina Luke joined the Navy, and she had a daughter born to her shortly after she got there, and that was the last i heard about her.

In the story i put in a scene where Detective Hudson kills a man who was going to turn evidence over to the Fed's. Now i don't know if that actually happened, but because they are recruiting men from the jail to sell narcotics for them, then i wouldn't put nothing past those officials.

And if they are recruiting narcotic dealers, then they are doing it to replace others who are no longer there, or because they are opening up new drug houses to sell drugs.

In 2011 i found out that when certain people are convicted, the state sells their judgment to the Federal government. The federal government then issues it with a bond, and then they sell the bond to investors.

So i contacted Ms. Eileen Wallace, and my family paid her five thousand dollars to purchase back my judgment. But the judicial officials in Hunt county are refusing to let her purchase back the bond.

And so i contacted a company that keeps track of all bonds, and i gave them the cause number from my criminal conviction, and they located the bond placed upon my judgment/conviction.

And the investment seeks capital appreciation, and the fund invests primarily in common stocks. It invests in securities of companies whose
value Fidelity Management & Research Company (FMR) believes is not fully recognized by the public. The fund invests in domestic and foreign issuers. It invests in either "growth" stocks or "value" stocks or both.

So as of September 30, 2013 the net & portfolio assets is at $3,730,000.00. And i deduce that the judicial officials will not let me buy back my judgment, because they will loose this money. And upon me buying back my judgment i would be released from prison. And i discern that the bond will probably mature in either thirty years or longer, and that is when the judicial officials will be able to collect the money.

Now them selling my judgment, and then buying the bond issued upon it is legal under federal statutory law of the United States Code. But what was illegal is that the court issued it into a bond without my permission, and with out compensating me financially.

So in January of 2014 Ms. Wallace filed a criminal complaint with Eric Holder, Chief Justice John Roberts, Janet Napolitano, Victor Song, Melba Acosta Febo, Department of Treasury and the Panel on Multi-District Judicial in DC. And i haven’t received a response from any of these law abiding government employees who are the defenders of law & order, and will pursuit justice and all of that good stuff.

You can go to www.freedom-school.com/money/jail-bon....

And you can get more detail information on how all of this works, and how it all got started back in the late 40’s here in America.

A few years ago i attempted to purchase the statement of facts from the court of appeals in Dallas, and the clerk there claimed that they were lost, and that they didn’t know where they were.

So then i found out that the National Archives and Records Administration
would have a copy of my statement of facts i was able to purchase a copy from for $400.00 dollars. So if anyone wants to purchase a copy for yourself, you can do so to see that the testimony given at trial is real. The address is:

National Archives and Records Administration
Southwest Region
1400 John Burgess Drive
Fort Worth, Tx. 76140-6222

Now upon you writing them, they will send you a form to fill out, and when you get the form you have to put the following information on it, and then return the form with a money order for the amount. Give them this information.

1. City where court is located: Dallas, Texas;
2. Case file name: Banos v. Johnson;
3. Case file no. 3:96 cv 2217;
4. FRC accession no. 021-00-0069;
5. FRC location no. 11/22/16; and
6. Agency box no. # 86.

And you can obtain a copy of the lab reports by making a freedom of information request with the FBI crime lab by writing to:

Federal Bureau of Investigation
Department of Justice
935 Pennsylvania Ave., NW
Washington, DC 20535
Under file no. 95-290981

Now i realize that some of that read this, will have a hard time believing that D.A.'s will intentionally send an innocent person to prison.
Now there is a lot that I could point out about my case, but I will acknowledge the aspects of it that I see as significant.

My hair was military short, and dark brown, and straight all over. The suspect was described as having collar length hair that is curly on top and blondish brown.

The photo lineup had my photo and the photo's of five Mexican men. It is my discernment that upon the police or Detective Hudson showing Ms. Shuttlesworth the photo lineup and photo's of all Caucasian men, and she didn't pick any of the photo's, that Detective Hudson replaced five of those photo's with five photo's of Mexican men. And he said that she picked my photo. Well she had no choice but to pick my photo, since I was the only Caucasian man in the lineup. And this is called 'suggestive photo array', and the U.S. Supreme Court has said that police cannot do this.

I did make contact with Mrs. Samples, and we were corresponding with each other. And I wrote and asked her does she remember that the lineup had the photo's of five Mexican men, and she said that she remembers everything. The D.A. showed the jury the photo lineup during jury trial.

But we lost contact, because it was Yahweh's will for it to happen. And then when the lab reports came in, both Detective Hudson, and the D.A. knew right then that I didn't do it. And at my parole hearing, Detective Hudson lied to the hearing officer, and said that the lab results had not returned yet.

And then when I went before a court hearing, the D.A. would lie to Judge Paul Banner, and say that the lab test hadn't come back yet.

Now there are two other people who were also convicted of a crime that the evidence clearly shows that they are innocent of, and I will use their
stories as evidence here to prove my claim i am making against the kangaroo's.

Now the case citations that i have cited in my book, you can go to www.justia.com and download the cases for free, so that you can read them.

Now in IMBLER V. PACTHMAN 96 S.Ct. 984 (1976) the police had a sketch of a man that robbed and killed a man named Hasson. So this other man named Imbler had did a robbery on someone else, and he turned himself into the police and confessed what he did. So the police & D.A. decided to have Mr. Imbler convicted of the murder, even though he didn't fit the description of the suspect. And they altered the sketch of Hasson's killer to resemble Mr. Imbler. So he was convicted and put on death row, but because of an honest police officer, he told the truth to Mr. Imbler's lawyer, and Mr. Imbler got his conviction over turned.

So instead of the police & D.A. doing their job, and finding the actual killer, instead they decided to have an innocent man charged with it.

And then here in Texas, former Judge Michael Morton was intentionally convicted of murdering his wife, and the D.A. Ken Anderson knew that Mr. Morton was 'INNOCENT' of the crime.

And Mr. Morton's son Eric was present when his mother was murdered, and he told his grandmother Christine that the murderer was not his 'DAD', but a monster, and he specifically said that his dad wasn't home. And Mr. Morton was at work.

And neighbors told police that they saw a parked green van, and a man got out of the van on the street behind the Morton's house.

And the police found Mrs. Morton's missing Visa card at a San Antonio jewelry store, and that a San Antonio police officer stated that he
could identify the woman who had attempted to use the card. And the police found a bloody bandana found at a construction site located about 100 yards from the Morton home.

And none of this evidence was turned over to Mr. Morton's lawyers. So here we can clearly see that the D.A. was not interested in catching the actual killer, but that instead he was more interested in having an innocent man convicted of the crime. And not just any man, or even a robber like Mr. Imbler. But Mr. Anderson was out to have a Judge convicted of a crime that he is innocent of.

So maybe Mr. Anderson wanted to go down in history as a 'GREAT' district attorney, because he had a law abiding judge convicted of a crime that he is innocent of.

But even though this is sinister, this is what I find to be even more of a problem. And the question that needs to be asked so as to explore this problem I am speaking of, and that is (1) Was all twelve members of Mr. Morton's jury trial incredibly gullible & naive; or (2) Was the members of the jury working for Mr. Anderson to get a guilty conviction?

And the D.A. presented 'NO' evidence what so ever that connects Mr. Morton with the murder of his wife. You can read about this at; www.innocenceproject.org/Content/Michael_Morton.php

And the state presented no witnesses or physical evidence that connects Mr. Morton to the murder. Mr. Anderson just claimed that Mr. Morton had beaten his wife to death because she refused to have sex with him.

On June 30, 2011, Orchid Cellmark reported that DNA testing on the bandana had revealed that it contained Mrs. Morton's blood and hair. It also contained the DNA of an unknown male, and the DNA was ran through
the CODIS databank and it matched a convicted felon from California, who also has a criminal record here in Texas.

So instead of the D.A., a law abiding citizen, a defender of law & order and a defender of justice, and all of that good stuff, trying his best to catch the actual killer of Mrs. Morton, he was more interested in having an innocent man convicted!

Now i realize that some people who read this, will say that these incidents are isolated, and it is not wide spread.

Well here in America over 300 hundred people have been exonerated by DNA testing, and so you had these people get convicted by D.A.s who are corrupt, and gullible jurors all across America.

Back in 2001-02 Mr. Neil Gordon for The Center For Public Integrity in DC wrote a book about 'Prosecutors who intentionally send INNOCENT PEOPLE to prison'.

And i want to make mention of another case here out of Texas, that i want everyone to read.

But in TURNER V. UPTON COUNTY TEX. 915 F.2d 133 (5th Cir. 1990) we see that in August of 1985 Sheriff Glenn Willeford paid Larry Woolf, an informant to plant methamphetamine on her business premises and then acting under color of law, the Sheriff seized the drugs pursuant to a search warrant leading to her being indicted.

Then Sheriff Willeford CONSPIRED with district attorney J.W. Johnson, Jr., to force her to stand trial on a trumped-up charge, and to secure perjured testimony by one Larry Dale Jackson in an attempt to discredit one of her witnesses.

In Dallas in 2002 the FBI was investigating a Detective for planting
fake narcotics on people, and then having them arrested for it. And so the FBI did investigate this crime, but they will not investigate Hunt county and D.A. F. Duncan Thomas? Well you can draw your own conclusions, but I believe that Mr. Benjamin Franklin had caused them to turn a blind eye to what is going on in Hunt county. And with the Hunt County Officials making money from narcotic sales, and making money off judgment/bonds, then they will be able to pay off anyone, who wears a "For Sale" sign.

Which includes all Touchables of our generation. And history teaches us that power & wealth will corrupt government officials.

And because these officials realize that a majority of the citizens in America are naive, then they are able to exploit you for their sinister designs. And what Mr. Jonathan Grubber said about the democratic voters being stupid, is why they were able to get the Unaffordable Death Health Care passed, and his observation about the voters, is really a mirror to reflect that this is a prevalent aspect of all areas in life involving government.

And a lack of transparency is what D.A.'s, and some police will use in order to obtain a conviction.

So I hope that my book will cause the citizens of America to educate themselves about jury nullification. And if you are picked to be on a jury trial, then you need to do some investigative work, and do a google search to see if the D.A. has had innocent people exonerated by DNA testing.

My mother wrote me a letter back in 1992, and she said she prayed to Yahweh, and asked him why did he allow me to be incarcerated for a crime that I am innocent of, and he said, "Well Martha you asked me to use your son, and this is where he is needed, and he is suffering for Christ".

So I know that this is my destiny, and I hope that this book will
cause the citizens to become informed, and seek in their state to have
laws passed that will make it unlawful to sell a convicted felons judgment.
And in each state have tax payers money be given to the Innocence
Projects to help them. And if your state doesn't have an Innocent Project,
then have one opened up.
Also if your D.A. has sent any person to prison who was exonerated, then
you need to vote for someone else to be the D.A. of your state.
And a law needs to be passed that makes it a felony offense for a D.A.
not to release any evidence in his possession to the defense counsel.
And if you are picked for jury duty, be real critical of the witnesses
and the so called experts that will testify for the D.A., because a lot of
them are paid to give bogus facts.
And I would suggest that you have a law passed in your state, that would
give the jurors the power to be able to ask questions of any witness, and to
even put the D.A. on the stand, and ask the D.A. questions.
In the twenty five years of my incarceration, I have observed how the
prison will destroy men psychologically, and for those who are innocent,
they will leave out of here mentally damaged. I was blessed in that I
bear a yoke in my youth (Lamentations 3:27), and I was prepared for
this fork in my destiny.
Also I would encourage the people reading this, that if you have a loved
one who is incarcerated, and they say that they are innocent, then it is
possible that they are. I also know that prison will destroy families.
I will answer all questions that anyone has, and I would appreciate all
feed back.
And I read how the man David had threatened to harm Ms. Shuttlesworth, and that he would find out if she reported the crime.

So that leads me to believe that David had a connection with the police department, is how he would find out about it. You may disagree with that assessment, and you don't believe that the police can be that corrupt. Well I suggest that you read the nonfiction novel by John Grisham titled 'Innocent Man', which is very informative.

Now I want to acknowledge a confession that I must make to everyone reading this. But I find it extremely amusing how I was convicted by a judicial gang of criminals.

And according to Ms. Travis, once she was told what Mrs. Samples had said in her affidavit, that she herself drafted up an affidavit all by herself. And in her affidavit she alleged that Mrs. Samples gave that affidavit because of 'influence and favors'. And when Mr. Chamberlain asked her did she have any evidence to prove this (363) she admits that she didn't have any evidence to prove it.

So in LUNA V. BETO 395 F.2d 35 (C.A.5 (Tex.) 1968) the court held that 'Perjury is the willfull assertion as to a matter of fact, opinion, belief or knowledge, made by a witness in judicial proceedings on oath and such assertion is material to the issue of inquiry and known to such witness to be false'.

Now in criminal law & civil law an affidavit is recognized as evidence, and so here it is Ms. Travis's affidavit was submitted as evidence at the hearing for a new trial. And Ms. Travis is guilty of committing perjury not only in her affidavit and the testimony she gave at the hearing. Which means she has committed a criminal offense. And this is a crime under TEXAS PENAL
CODE §37.02-03 and it is a crime if a (a) Person commits an offense if, with intent to deceive and with knowledge of the statement meaning.

And also we had Ms. Travis, Ms. Spradling & Mr. Boles take an oath to tell the truth, and then took the stand and lied and said that there was not any 'Yelling' or 'screaming' taking place in the jury room. And so they all committed perjury which is a criminal offense, because they were out to deceive. So they are criminals, fugitives at large.

Someone issue an A.P.B. for three aggravated liars who are armed and dangerous.

And then Mr. Thomas and Mr. Craig knew that these three unsavory characters had committed a criminal offense, and intentionally used their perjured testimony at the hearing for a new trial.

So the two D.A.'s and the three jurors all 'CONSPIRED' together to commit perjury and give false testimony and a person is guilty of conspiracy if (a) A person commits criminal conspiracy if, with intent that a felony be committed, TEXAS PENAL CODE § 15.02. And (1) he agrees with one or more persons that they or one or more of them engage in conduct that would constitute the offense.

As I have stated I don’t know what happened that night between David, Ms. Shuttlesworth & Mr. Sutton. But now according to Ms. Shuttlesworth’s testimony she was in her vehicle by herself when David & Mr. Sutton entered her vehicle. And at the sentencing hearing Ms. Shuttlesworth said something that I found to be very odd. But on page 309 at paragraph (19) she said quote, "I was nervous in crowds and around people. I didn’t like to be alone".

So this here is a contradiction. And when her car was taken, she was
alone and by herself, and no one was there to render aid. So it would seem to me that she would feel safe in a crowd of people, and being around people. So I am just taking all of the intel and I am analyzing it, and making my conclusions based on what I learn.

Now we learn from the testimony of Coach Guffey that Mike Scott, her boyfriend was very concerned about the well being of Ms. Shattlesworth.

Now at my trial, I saw a man standing with her on February 6, 1990, and I don't know who the man is. I just guessed it was her boyfriend Mr. Scott, but I don't know.

But in her testimony she said that Mr. Scott broke up with her, because of what happened in June (pg. 310). But Mr. Chamberlain let it be known that Mr. Scott was excused as a witness. So why did the D.A. excuse him as a witness? And according to Mr. Chamberlain, he said that he heard a rumor that Mr. Scott broke up with Ms. Shattlesworth because she told him that she wasn't raped.

So this is what I see. On February 6, 1990 they were still together, and he was scheduled to be a witness at the sentencing trial. The jury can't make a decision, so they go home for the night.

So from then until the next morning before Ms. Shattlesworth arrives at court, she tells Mr. Scott that she wasn't raped, and he breaks up with her. She arrives at court that day, and notifies Mr. Thomas of this development, and he strikes Mr. Scott as a witness.

So at high noon the jury says guilty, and then later at the sentencing hearing, she says that Mr. Scott left her because of what happened in June. And now that Mr. Scott has been cancelled as a witness, my lawyer is unable to vet her statement.
So with all of the information I have acquired, it is my opinion that Ms. Shuttlesworth wasn't raped, and that Detective Hudson knew this, and Mr. Thomas knew it as well. So then we see here that (1) they know that no crime was committed; (2) they know that I wasn't involved in the debacle that took place involving the trio named herein.

And then Mr. Sutton I believe is a natural born compulsive liar. And I find it amusing that he claims that I told him where the vehicle could be located at. So I know that is a major lie, and so Detective Hudson and Mr. Sutton conspired to make up this lie.

And I took notice that Detective Hudson said that in his opinion the vehicle had been wiped of finger prints, because there was no grass seeds of the tall grass on the hood or trunk of the vehicle, pg. 174.

So if I am driving the vehicle to this location, why would I need to wipe the hood & trunk of the vehicle? Why would I have a need to put my hands all over the hood and trunk, so that I was compelled to wipe down all of it, and in the process it would result in no grass seeds being left anywhere on the hood and trunk?

So this is something that I noticed, and I want to point it out so that when any of you become a juror for a jury, you can learn to be more critical of what a witness says. Because more and likely they will come up with some gaw gaw to pass off as being bonafide.

And I took notice that it appeared that David knew where he was going, and according to Ms. Shuttlesworth the man David had a friend in Sulphur Springs that he was going to meet. Well I had never lived in Commerce before, so I don't know any of the roads. And I don't have any friends in Sulphur Springs. The only person I knew was my sister in Commerce, Texas.
And you notice how in the beginning of my trial, the judge, D.A. and my lawyer mentioned the Pre-trial stipulation that we signed and agreed to.

And Mr. Chamberlain read it to the jury, and it was submitted into evidence as defendant’s and state’s exhibit number #1. But yet it was edited from the statement of facts that i used herein to write out everything that was said at my trial.

So why was it edited out? I wrote Mr. Thomas asking for a copy of it, and he refused to give it to me. Gee, i wonder why?

Now remember the jury was to make their judgment based on the evidence, right? So in this exhibit the D.A. admits that Ms. Shattlesworth had 'MISTAKENLY' identified me as the suspect. So he is acknowledging to the jury that he knows that i am innocent of the crime, and that Ms. Shattlesworth mistakenly identified me as the suspect.

Well since i was the only caucasian man in the photo line up, and the other five men were mexican men, i would think she did to.

And as y'all know in this drama story, that Mr. Sutton was a semi-type hero who tried to rescue the damsel in distress from the evil villain. And Ms. Shattlesworth herself said that Mr. Sutton told the villain to let her go. And at no time did Mr. Sutton do anything unlawful. But yet the D.A. charged Mr. Sutton with kidnapping.

So now on page 252 during the testimony of Mr. Sutton, my lawyer asked the D.A. a question, and the D.A. answered it. Here is what i want to point out;

"He wasn’t arrested for the kidnapping?", Peter asked.

"How can he be? He wasn’t involved", Duncan said winsomely.

So here it is the D.A. is admitting that he knows that Mr. Sutton is
innocent of being involved in the kidnapping of Ms. Shuttlesworth. But yet he had Mr. Sutton indicted for kidnapping, and then had him plea guilty and receive five years probation.

So see the D.A. doesn't care about truth and justice, and he had an innocent man convicted for kidnapping.

So would he do the same to me? Also the testimony that i was given from the parole hearing is an edited version, and i didn't have a copy of what Mr. Chamberlain used in trial.

Now here is some comedy for you. Mrs. Weems wrote to me via Mrs. Samples, and she told me that she contacted the district court in Greenville, Texas, you know that represents truth, justice and law & order, and all of that good stuff. And she asked the person could she receive documents from my case, and they said, "sure, come on down". So she drives down there, and goes into the court house, that represents truth, justice, law & order, and all that good stuff.

And she asked for documents from my trial, and they told her that they don't have a file on me, and that i never had a jury trial there? Ha, ha, ha.

Well she knew that was a FAT lie since she was a juror on my jury trial.

So the she pressed the issue, and then they finally gave her some documents. I wonder if they were correct? The drama continues.

I wrote to the State Law Library in 1993, and ask that they help me obtain a copy of my statement of facts from the 5th circuit court of appeals in Dallas. So the only requirement they have is that my case had to be appealed to a court of appeals. No problem i thought. Because my case was appealed to the 5th circuit and it was affirmed on May 22, 1991.

So i filled out the form they sent me, and returned it to them, and so
they wrote me, and they said that they had contacted the court of
appeals in Dallas. And the court said that I do not have an appeal there,
and that an appeal was never filed there.

So I filed a lawsuit against the clerk Kenneth Stripling and the D.A.
F. Duncan Thomas in the Northern District Federal court in Dallas in
Baros v. Stripling cause number 3-93-CV-812-C, and the kangaroo judge
employed legal fiction and he dismissed my lawsuit.

But I was bench warrant to Dallas to attend a Spears hearing, and
while I was confined in the jail there, I met a man who said he knows a
lawyer who would take my case, if I have a good case. So I contacted the
lawyer about my criminal conviction, without mentioning why I was on
bench warrant there at the jail in Dallas. So the lawyer wrote me, and he
said that he had contacted the 5th circuit of appeals inquiring about my
case, and they told him that I do not have an appeal there, and that one
was never filed there.

Mrs. Weems got an opinion from the 5th circuit court of appeals that was
supposedly issued by the judges there, and she read it, and she said that is
not what happened.

So in my experience with clerks across America, this is what I believe
Mr. Stripling did. A clerks job is to draft up legal documents for the
judge, and so the clerks that will draft up a reason for denying a pro-se
litigants pleading, and then have the judge sign off on it, not knowing
anything. So the judge never actually ever sees the inmates legal pleading,
and then when we get our denials in the mail, we will think it was the
judge who denied it. And sometimes it is, but most times it is the
corrupt clerks that are doing it.
When Mr. Chamberlain advised me not to testify at my trial, I decided not to do so, because I felt that I couldn’t trust him.

And I thought that the D.A. would come up with some kind of legal stunt, and then Mr. Chamberlain would toss me under the prison bus, and make me look bad.

During my trial, I noticed that Mr. Thomas had a paper sack under his table, and it had a number on it. So I wrote the number down in my notes.

And whatever was in that sack, he never used it at jury trial, or the sentencing trial. Well when I got a copy of that FBI crime lab report from my lawyer, I saw a number on it that is the states number. And I looked at my notes, and the numbers matched. So I suspect that if I would have taken the stand to testify, that Mr. Thomas had something in that sack, that he would have used to make me look bad in the eyes of the jury, who already had dagger in their eyes the minute they layed their eyes on me, except for Mrs. Samples and Mrs. Weems.

So this is my destiny, and this is my story. Now I just have to wait and see what will happen next upon my story hitting the internet?

It was my original plan to end the story here, but I was proof reading the manuscript, and I noticed a few things that I want to point out. Now I did try to acquire some professional proof readers to go over the manuscript in a professional manner, but I couldn’t get the clerks from the Hunt county district clerk’s office to touch it with a ten foot pole.

The FBI lab report says that the cutting from the panties (pg.399) matches the dried bloodstain belonging to me. But now in the state crime lab (pg.105) it says that no blood group substances were detected in the stain from the panties. So that will show you doubters that something is
definitely fishy here.

Now Mr. Sutton said in his affidavit that I told him where the vehicle was concealed at. But at trial Mr. Sutton said that he took Detective Hudson to where the vehicle is (pg.229). And at the parole hearing he said that I told him where it was paragraph 13. And when he gave his statement to the police, he took them to where the car is paragraph 14-15.

So if I had told him where it is located, then how he can show the police where it is located at?

Now I don't have a bone to pick with Ms. Garrett, but when I looked at her testimony again I noticed something that seems odd to me. Now Mr. Thomas asked her what time did the bar close that night (pg.210), and she says that she doesn't know if it was a Friday or a Saturday night. So something major just happened to a woman who is the girlfriend of her co-worker, and she can't remember when it happens?

But then she can remember what time Mr. Sutton spoke to her, and that when he did speak to her that she was scared (pg.212). So that just seemed kind of odd to me.

And prospective juror Mrs. Edna Crodle was excused from jury selection, because she that me and her son could be twins. Well since then, I have met about four people that told me that I look like someone they know. And in 1997 on the Telford Unit, I was told by a correctional officer that there was an inmate who works in the O.D.R. and that me and that inmate could be twin brothers.

So this has caused me to wonder is it possible that I resemble David in some way? I hope not.
Now of course I did save the best for last. Now in my story I have weaved in the word 'legal fiction'. So for everyone of you who have read what I had to say about the honorable judicial system, and you have been offended at my statements, and you think that I am painting a dark image over the judicial system. Well I guess I can understand why you think that way, and you think that way due to the fact that you have a lack of knowledge about sinister thinking of some unsavory characters who have infiltrated the judicial system over the past decades of America's existence. So for all of you who don't have access to a Black's Law Dictionary, I will quote here what this word means for you.

Thompson West 2004 eighth edition of Black's Law Dictionary;

Legal Fiction: An assumption that something is true even though it may be UNTRUE made esp. in judicial reasoning to alter how a legal rule operates: specif. a device by which a legal rule or institution is diverted from its original purpose to accomplish indirectly some other object. The constructive trust is an example of a legal fiction.

I...employ the expression 'legal fiction' to signify any assumption which conceals, or affects to conceal, the fact that a rule of law has undergone alteration, its letter remaining unchanged. Its operation being modified...

It is not difficult to understand why fictions in all their forms are particularly congenial to the infancy of society. They satisfy the desire for improvement, which is not quite wanting, at the same time that they do not offend the superstitious disrelish for change which is always present, Henry S. Maine, Ancient Law 21-22 (17th ed. 1901).

Legal fiction is the mask that progress must wear to pass the faithful but bleary-eyed watchers of our ancient legal treasures. But though legal
fictions are useful in thus mitigating or absorbing the shocks of
innovation they work havoc in the form of intellectual confusion. Morris R.
Cohen law and social order 126 (1933).

So this judicial philospy of saying that it is alright to make something
that is untrue to be true, has been going on here in America since the early
1900's. Now have you ever heard a judge in America hold a press conference,
and notify the public that the judicial system in America needs to stop
practicing legal fiction, and start utilizing legal non-fiction?

So lets say that D.A. Mr. Anderson knows that it is true that Mr. Morton
is innocent of murdering his wife, right.

But he also believes in practicing legal fiction. So it is TRUE that Mr.
Morton is innocent, but he will make it UNTRUE. And then he will proceed
forward to have this man convicted of a crime that Mr. Morton is innocent
of. So am i casting a dark image over the judicial system, or am i just
simply exposing it for what it is?

And that is, THE ENEMIES OF JUSTICE!!!!

As a note, i am sure that you noticed in the affidavits produced by
Detective Hudson, that there are certain words that are spelled wrong. So
not only is he corrupt, but also he doesn't know how to spell. So be on the
watch out for cop's that cannot spell, and that could be a red flag warning
that they are also corrupt?