

COPY

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VOLUME 51 of 57 VOLUMES

PUNISHMENT PHASE

TRIAL CAUSE NO. F97-01215-PJ

THE STATE OF TEXAS ) IN THE CRIMINAL DISTRICT COURT

)

VS. ) NO. 3

)

GREGORY EDWARD WRIGHT ) OF DALLAS COUNTY, TEXAS

APPEARANCES:

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HONORABLE NEIL PASK - SBOT: 15556700
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On the 10th of December, A.D., 1997, a Capital Murder Jury Trial with reference to the above-styled and -numbered cause came on to be heard before THE HONORABLE ROBERT W. FRANCIS, Judge of Criminal District Court No. 3, Dallas, Texas, and the following proceedings were held:

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STATE'S EXHIBITS INDEX						
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P R O C E E D I N G S

1  
9:02A 2

(Jury not present.)

THE COURT: Jan?

4  
9:03A 5

(Jury panel present.)

THE COURT: All right. You may be seated.

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11

Good morning, ladies and gentlemen. In a minute I will read you the Charge for this stage of the trial, after which the attorneys will give their summation. Again I've given each side 45 minutes. The State has the right to open and close, and the defense will argue in the middle.

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Let me tell you now that I believe this Charge will be different than had been discussed with you during the course of jury selection, so please pay close attention. But again, you will get a copy to take back to the jury room with you. You will not be required to memorize it, but I want to point that out to you so if you hear something that sounds different, you'll understand.

19

The Charge of the Court reads as follows:

9:11A 20

(Jury Charge was read to the jury by the Court.)

9:12A 21

THE COURT: The State may open.

22  
23  
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MR. PASK: During the jury selection phase of the trial, we spoke to you, each and every one of you, for approximately an hour-and-a-half. I'll bet at some time during this trial you were wondering how you ended up on this jury.

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1 I'll tell you right now you ended up on this  
2 jury because you said that you could be fair to both sides.  
3 You said that you wouldn't relish giving somebody the death  
4 penalty, but if they deserved it, you were the type of person  
5 who could take pen in hand and sign your name to a verdict  
6 that would result in the death penalty being assessed.

7 Now during this phase of the trial, the Judge  
8 has given you two special issues. If you answer special issue  
9 number 1 yes, the top issue on this board yes, and special  
10 issue number 2 no, the defendant receives the death penalty.

9:13A 11 If you answer them in any other combination,  
12 then the defendant receives a life imprisonment sentence in  
13 the penitentiary.

14 Let's look at special issue number 1. "Do you  
15 find from the evidence beyond a reasonable doubt that there is  
16 a probability that the defendant would commit criminal acts of  
17 violence that would constitute a continuing threat to  
18 society?"

19 We went over that question at length during the  
20 jury selection phase of the trial, and each and every one of  
21 you told us that the facts that you would look at, the facts  
22 that you would think would be important, would be the  
23 defendant's past. I think it's a pretty good indicator  
24 regarding a defendant's future performance as to what his past  
25 behavior is. The best predictor of somebody's future

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performance is their past behavior.

And what has this man done right here? Well, we know that in January of 1988, he was out at the Wendy's parking lot when the Shelby County Sheriff's Department received a disturbance call. They arrived at the location; told this man to get out of his car. And what did this man  
7 do? He took a big huff of paint, he shot them the finger, and then he took off, right during rush hour, in Memphis, Tennessee. And he led them on a wild, and he led them on a  
10 dangerous chase. He ran red lights. He disregarded stop  
11 signs. He went the wrong direction in traffic.

~:15A 12 Finally he was penned in by the traffic and the  
13 officers were able to get out and get in front of his vehicle,  
14 and what did this man do? He hit the accelerator when he saw  
15 an opening. The officer had to move out of the way of this  
16 man's car to avoid being hit.

17 And then, finally, he does run into a civilian  
18 vehicle, backs up, hits a squad car, and then clips another  
19 vehicle on the way out.

20 MR. BRAUCHLE: Your Honor, we would object to  
21 this as being outside the evidence.

22 THE COURT: All right. Overruled.

23 Ladies and gentlemen of the jury, you will  
24 remember the evidence as you heard it.

25 MR. PASK: He takes them back to the Wendy's.

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1 Does he just stop it right there; call it quits? No, he ups  
2 the ante. The officers have to get out; break his window;  
3 open his door. They're pulling on his legs in order to get  
4 him out of the car, and what does this man do? He reaches for  
5 a clawhammer and wields it in a threatening and a dangerous  
6 manner. That's what this man does when confronted by the  
7 police.

8 And he really learned a great lesson out there,  
9 didn't he? Because just nine days later he's out at that same  
10 Wendy's huffing paint.

9:16A 11 This man is a violent individual and he turned  
12 up the volume on that violence in August of 1988. He's with  
13 his wife in an apartment complex in Memphis. His wife calls  
14 the police on a family-violence case. The officers respond.  
15 They get out there. His wife says that he has been abusing  
16 her. They separate the two individuals.

17 MR. BRAUCHLE: Your Honor, we'd object to this  
18 as being outside the evidence.

19 THE COURT: Overruled. Again, ladies and  
20 gentlemen, you'll remember the evidence as you heard it.

21 MR. PASK: They separate the two individuals.  
22 They get Gregory Edward Wright out of his car, and one of the  
23 officers, Off. Quinn, is walking him back to Off. Quinn's  
24 squad car. What does this man do right here? He turns on the  
25 officer and coldcocks him right in the -- in the chops. Busts

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1 his lip and chips his tooth.

2 And then the same thing happened as happened at  
3 the Wendy's. This time he's on foot. The officers are  
4 pursuing him. Off. Buck is chasing him as fast as he can,  
5 even hits him with a baton, but he doesn't go down. He  
6 doesn't stop.

7 Finally, after some length, this man right here  
8 turns around and fights Off. Buck, resisting every way that he  
9 can. He breaks Off. Buck's hand.

9:18A 10 And then once the officers forcibly handcuff  
11 him, does he cooperate? Absolutely not. They have to drag  
12 him back to the squad car.

13 That's really only the beginning of the violence  
14 trip, though, because in February of 1989, he's moved on to  
15 Nashville, and an officer with the Nashville Metro Police  
16 Department sees him in a fight, a fistfight, with another  
17 individual. He stops. He pulls this man off the top of the  
18 pile. He separates the two individuals. And what does he  
19 hear? "He's got a knife."

20 He pulled his weapon. He looks over at  
21 Gregory Edward Wright, and Gregory Edward Wright is holding a  
22 knife. The officer aims down on him. He says, Drop that  
23 knife.

24 Does Gregory Edward Wright respond? No. He  
25 just keeps the knife right there at his side.

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: 19A 1 "Drop the knife. Drop the knife." Finally, he  
2 does.

3 In July of 1989, this man is still in Nashville,  
4 Tennessee, and he's still committing violent crimes. This  
5 time, a lady calls 911; says, I've been raped.

6 The officers respond to the location. She says  
7 that she's been raped, and the three individuals who did it  
8 are underneath the bridge, and the guy who raped her is  
9 wearing red shorts and a red and white T-shirt.

10 The officer goes underneath the bridge. And  
11 sure enough, who do they find? Gregory Edward Wright.

q:20A 12 He receives three years' confinement in the  
13 penitentiary for the offense of aggravated assault.

14 And then we know a short time later he's  
15 sentenced to one year in the penitentiary for escape.

16 In 1995, he's seen coming out of a crack house.  
17 He's stopped, and he's arrested on a probation violation.

18 MR. BRAUCHLE: Your Honor, we would object to  
19 this as being outside the evidence.

20 THE COURT: Overruled.

21 Again, ladies and gentlemen, you'll remember the  
22 evidence as you heard it.

23 MR. PASK: Time and time again, in this man's  
24 past, he committed violent offenses. He raped women. He  
25 assaulted women.

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1 MR. BRAUCHLE: **Your** Honor, we would object to  
2 this as being outside the evidence.

3 THE COURT: Overruled.

4 Again, you will remember the evidence as you  
5 heard it.

6 MR. PASK: He raped women.

7 MR. BRAUCHLE: Your Honor, once again, we would  
8 object --

9 MR. PASK: He raped a woman.

9:21A 10 MR. BRAUCHLE: Your Honor, once again we object  
11 to this as being outside the evidence.

12 THE COURT: Overruled.

13 MR. PASK: He raped a woman.

14 MR. BRAUCHLE: May we have a continuing  
15 objection?

16 THE COURT: You may.

17 MR. PASK: He assaulted women. He engaged the  
18 police in combat.

19 Just based on those facts alone, you know he's a  
20 dangerous and he's a violent individual. But you also said  
21 during the jury-selection phase of the trial that the facts of  
22 the offense would be very important to you also in determining  
23 whether or not he's going to be a future danger to society,  
24 and how much more brutal could facts of an offense be than the  
25 facts of this offense that you heard during this trial?

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1                   What was happening before this offense occurred?

2   Gregory Edward Wright was living in a shack behind the K-Mart  
3   huffing paint, when Donna Duncan Vick comes along. She gives  
4   that man right there a place to stay. She provides him food.  
5   She provides him clothing.

6                   According to Mr. Johnson in his argument,  
7   it was the best thing that ever happened to him. This  
8   woman right here was a gravy train, to quote him, for  
9   Gregory Edward Wright.

10                  She didn't expect anything in return for what  
11   she did for this man. And how did this man repay her? He  
12   brutally and savagely killed her.

13                  And there was planning that went into this  
14   offense. It wasn't a spur of the moment situation. "Do you  
15   want to do it?"

9:23A 16               MR. BRAUCHLE: Your Honor, we would object to  
17   this as being outside the evidence.

18                  THE COURT: Overruled.

19                  The jury will remember the evidence as you heard  
20   it.

21                  MR. PASK: And it's clear as a bell. "Do you  
22   want to do it?"

23                  And then what about the offense? It's as  
24   horrendous as you'll ever find.

25                  MR. BRAUCHLE: Your Honor, we would object to

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1 this as being improper argument, the testimony by counsel.

2 THE COURT: Overruled.

3 MR. BRAUCHLE: Note our exception.

4 MR. PASK: I guess it's not horrendous.

5 She was in her own bed asleep when that man  
6 right there came and interrupted her. He matted her body,  
7 straddling her, and it's a reasonable deduction, based on the  
8 evidence, that he tortured her with that knife puncturing her  
9 time and time again.

9:24A 10 MR. BRAUCHLE: Your Honor, we would object to  
11 this as being outside the evidence. There's no evidence of  
12 that.

13 THE COURT: All right. Again, overruled.

14 Ladies and gentlemen, you will remember the  
15 evidence as you heard it.

16 MR. PASK: And then he slit her throat. Can you  
17 imagine the horror that was going through her mind? Can you  
18 imagine the pain that she was feeling as the person who she  
19 befriended, who she took off the street, who she provided food  
20 for, who she provided shelter for, tortured her and stabbed  
21 her?

22 What happened after the offense? This man was  
23 so caught up in his desires, so caught up in his wants and  
24 needs, he gathered up her property, went straight to the dope  
25 house, and got his fix and gave his buddy a high-five

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1 afterwards. That's the mark of this man right there.

9:25A 2 You come to the second special issue. "Taking  
3 into consideration all the evidence, including the  
4 circumstances of the offense, the defendant's character and  
5 background, and the personal moral culpability of the  
6 defendant, is there a sufficient mitigating circumstance or  
7 circumstances to warrant that a sentence of life imprisonment,  
8 rather than a death sentence be imposed."

9 It allows you to take into consideration all of  
10 the facts, the facts of the offense, the defendant's past and  
11 any mitigating evidence, and it's the ultimate question. If  
12 you answer it no, the defendant receives the death penalty.

13 What is there about this offense that's  
14 mitigating in any way? Is it these puncture marks on her  
15 chin? Is it these cut marks? What is mitigating about this  
16 offense?

17 MR. BRAUCHLE: Your Honor, we would object to  
18 this as being outside the evidence.

9:26A 19 THE COURT: Overruled.

20 MR. PASK: Absolutely nothing whatsoever is  
21 mitigating.

22 You know, Miss Vick, she didn't have an easy  
23 life. She was a troubled individual, but instead of obsessing  
24 about her own troubles, she reached out to other people. She  
25 gave her time and her talent and her treasure to providing

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1 something for somebody else; for helping out the homeless;  
2 providing them blankets; providing them food; providing them  
3 money. And we know what this man did back in March of this  
year, 1997.

9:27A 5 You know, Donna Duncan Vick had every right to  
6 protect herself as she was being attacked. She fought him off  
the best that she could, but he hit her. He tortured her and  
8 he slit her throat. She had her arms up like this and  
9 sustained stab wounds, cut wounds. She did everything that  
10 she could, but she couldn't fight off this man's advances.

11 If any one of you had been out there, you could  
12 have protected her, if you could have.

13 MR. BRAUCHLE: We would object to this as being  
14 improper argument.

15 THE COURT: All right. Sustained.

16 MR. BRAUCHLE: We'd ask that the jury be  
17 instructed to disregard.

18 THE COURT: Ladies and gentlemen, please  
19 disregard the last comment.

20 MR. BRAUCHLE: And we'd further move for a  
21 mistrial.

22 THE COURT: Denied.

23 MR. PASK: If somebody else was in the room at  
24 that time, they could have done --

25 MR. BRAUCHLE: Your Honor, once again, we would

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1 renew our objection to this line of argument.

2 THE COURT: Overruled.

3 MR. PASK: If somebody else was in that room,  
4 they could have done anything they could have to help her out.  
5 She had an absolute right to protection.

9:28A 6 Society, in general, has a right to protection,  
7 to protection against this man right here. And the best way  
8 to protect society against that man right there is to give him  
9 the ultimate sentence, because the evidence shows that the  
10 answer to special issue number 1 is yes, and the answer to  
11 special issue number 2 is no.

12 Thank you very much for your time and attention.

13 THE COURT: Mr. Brauchle?

14 MR. BRAUCHLE: May it please the Court.

15 Mr. Davis, Mr. Pask, Mr. Jordan.

9:29A 16 I think I'm going to be the last lawyer to thank  
17 y'all. Everybody else has already thanked you before now, so  
18 it's my turn. I do want to thank you.

19 I don't -- I don't want to thank you for the  
20 situation that put me here arguing at this time in front of  
21 you, but I want to sit here and talk to you. I'm not going to  
22 try and railroad you, stampede you, or do anything other than  
23 try and reason with you and talk with you about some issues  
24 that I think that we have to think about at this point in  
25 time.

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1           You know, by your verdict, you all found that  
2 Mr. Wright, acting alone, killed Miss Vick. You know, the  
3 State wants to have it, this morning, both ways. They want to  
4 say, Well, it's some sort of conspiracy, but when y'all found  
5 by your verdict, you found that Mr. Wright acted entirely by  
6 himself in killing Miss Vick, because there was no parties  
7 charge, there was no accomplice charge. You all had to have  
8 found that Mr. Wright did it and nobody else.

9           And you know that out there that everything, as  
10 Mr. Pask said, was going pretty well between Mr. Wright and  
11 Miss Vick, and then the one day, the one day that Mr. Adams  
12 came into her life, these pictures here were produced.

9:31A 13           But you found other than that. You found that  
14 Mr. Wright did this and Mr. Wright did it alone. And I don't  
15 know why they're coming back to this, because it's outside the  
16 evidence and you didn't find this in your -- in your verdict.

17           But by your verdict, you've now brought upon  
18 yourselves a much more important, and a much more onerous  
19 task, in that you now have to decide what to do with  
20 Mr. Wright's life. And that, I would hope, is an important  
21 and a weighty decision.

22           You know, at this point in time I feel kind of  
23 like a heart surgeon. You know, I've got somebody's life in  
24 my hands, and certainly, whether y'all realize it or not,  
25 you've got somebody's life in your hands, and I need to talk

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1 about that. And I also need to talk to you about some other  
2 things that I'm going to get out of the way right now, and one  
3 of those, or a couple of those, are in the Charge.

9:32A 4 And I know that -- I don't think any of you that  
5 we talked to on voir dire, we talked to you about the parole  
6 law, and suddenly it pops up in the Charge, and it's over here  
7 in the latter part of the Charge, and when you read it, -- and  
8 I know when the Judge read it, and when any of us read these  
9 things, they sound like insurance contracts and nobody can  
10 understand them, but that's why we give them to you, to go  
11 back and to sit in the jury room and read.

12 But the important paragraph here boils down to  
13 one thing and one thing alone: Under our parole law,  
14 Mr. Wright is not in any way eligible for release from prison  
15 is not in any way eligible for release from prison until he  
16 has served 40 calendar years. Let's reach out and pull the  
17 day off the calendar 365 times 40, and it doesn't matter if  
18 he's the prisoner of the week. Every one of those weeks, and  
19 every one of those years, he's not going anywhere for 40  
20 years.

9:33A 21 Mr. Wright, from what you know, is going to be  
22 72 years old before they even open a file to consider him for  
23 any kind of parole. He's going to be 72 years old, and that  
24 doesn't even mean he'll ever parole out of prison. But he's  
25 not even going to be eligible, and they're not even going to

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1 open a file, and they're not even going to use the word  
2 "parole" in talking about Mr. Wright until he's a 72 year-old  
3 man who has spent 40 calendar years in prison.

4 And each one of y'all, when we talked to you,  
5 said, Look, I realize the law prefers a life sentence. And I  
6 don't have any problem with that. And I think almost each one  
7 of y'all said, Yes, I can see that I prefer a life sentence to  
8 the death sentence, but if I thought it was appropriate, I  
9 could give that.

10 But now, then, you know what a life sentence is,  
11 and you know that in your considerations of finding if there's  
12 a continuing threat to society, any threat, any threat isn't  
13 going to come into play until Mr. Wright is 72 years old, and  
14 even then there's no guarantee he's ever going to be anywhere  
15 other than the Texas Department of Corrections. The Texas  
16 Department of Corrections.

9:35A 17 And I'd submit to you, there's not a whole lot  
18 of people of any mind-set that are 72 plus that constitute any  
19 kind of threat to society, especially after doing 40 years in  
20 the pen. If you're still alive then, you're not in any  
21 physical shape to be a continuing threat to anybody.

22 And like I say, that -- there -- that's just --  
23 you know, I don't think there are any parole capital murderers  
24 out there, but you've got to consider that. You've got to  
25 consider that when you're -- when you're making your

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1 deliberation.

2                   Now, then, you know, you sit -- sit at home and  
3 you just think you're brilliant. You think you've got all  
4 these arguments down, and you think you know what you're  
5 doing, and you write stuff out and scribble it off and tear it  
6 out and everything, and you do that a hundred times, and last  
7 night, you know, I thought I was Clarence Darrow. And, you  
8 know, I get up here today and I feel like Elmer Fudd, but, you  
9 know, you've got to consider certain things here, and I'm not  
10 going to talk to you a whole lot about special issue 2,  
11 because I don't think you're ever going to get to it because  
12 of what I'm going to talk to you about on special issue 1,  
13 but -- and let's just -- let's talk about special issue 2.

14                   You know, the State told you that somehow, a lot  
15 of times you can get things that might relate to special issue  
16 2 in their part of the case.

9:37A 17                   And I'd submit to you that -- that here's a  
18 couple of items that came into evidence. See, there's State's  
19 Exhibit 47 and State's Exhibit 38, the Bible that says that  
20 he's a good person and a good Christian, and we've got letters  
21 from a family that show that they care and they love him, and  
22 those are things that you can consider in taking into  
23 consideration special issue 2.

24                   And I think another thing that you need to -- to  
25 think about is, I guess it was their third and fourth

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witnesses, and that was Miss Parsons. And the other witness was Mr. Cole. And what are they? They're people that knew . Wright before this offense. Before this offense.

4                   And he -- he was dealing with those people on a  
5 day-to-day basis just as you deal with your neighbors and the  
6 people that you come in contact with. And, you know, they're  
7 not -- he wasn't trying to get anything from them. You know,  
8 he wasn't charged with anything. There wasn't any guile or  
9 any -- any type of whatever in their relationship. They were  
10 people that just came in contact with him and knew him while  
11 he was out there homeless, and while he was out there living  
12 in the world before he became -- before he became charged with  
13 the crime.

14                   And what did they tell you? Miss Parsons says,  
15 Look, I had him in my home. I had him in my home. He stayed  
16 there. He fixed my -- my dishwasher, my sliding-glass door.  
17 He cooked. He shared money. I thought, and I think her  
18 direct words were, "I thought he was a wonderful person. I  
19 thought he was a wonderful person."

20                   And then what did we have that Mr. Cole, the man  
21 from the Texaco station, what did he say? Look, he used to --  
22 he used to stand out there holding his sign, but he would come  
23 over and he would help me. He would help me clean up, clean  
24 the rest room, put ice in the machine. He was a drinking  
25 buddy. He was a good person. He was a good person.

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1                   And those are people that knew him -- that knew  
2 him when he lived, you know, before he got any charges, before  
3 he came to court. He wasn't out there building up brownie  
4 points with those people. Those are the type of people that  
5 know him.

6                   You know, and the State always says, well, you  
7 know, who's down here to speak for him? Who's down here to  
8 speak for Gregory Wright? And they always make it sound like  
9 Tom Landry should come through the door, or W.A. Criswell, or  
10 Ross Perot, or one of the Bushes. Mr. Wright doesn't know any  
11 of those people, and I don't think any of you all do either.

~:40A 12                  You know, who are you going to call if you were  
13 trying to get character in front of the jury? You'd talk to  
14 people and bring people that knew you out in your  
15 neighborhood, knew you when you were -- before you were  
16 charged with the crime.

17                  Tom Landry doesn't rent out his -- his services  
18 to come to court. But, see, they -- they talk about and they  
19 try and trivialize people, no matter how they come down here,  
20 and no matter how they -- they appear. They always trivialize  
21 that because they have a purpose in mind, and that's to kill  
22 Mr. Wright.

23                  So no matter if, you know, no matter if somebody  
24 that you might recognize came down here, it still wouldn't be  
25 good enough.

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1 If he brought George, where's Barbara, you know?

2 We need more than -- we need to always push the mark a little  
3 higher. We need to always push the mark a little higher.

9:41A 4 And, you know, I'm sorry that there's not more,  
5 but I'm saying that it's the type, and it's the quality of  
6 people that knew him before this took place.

7 Mr. Pask said he deserves to die. He deserves  
8 to die, and if you think that, there's nothing I can say  
9 that's going to dissuade you. If you put your killing clothes  
10 on today and you're down here to kill somebody, nothing I can  
11 say, and the law, is going to keep you from doing it.

12 But, you know, y'all took an oath, and I bet you  
13 didn't even hear it, and it didn't seem very consequential at  
14 the time, but it says that you'll a true verdict render  
15 according to the law and the evidence. According to the law  
16 and the evidence.

17 And I'll agree with Mr. Pask. These -- these  
18 pictures, especially if you've never come down here before,  
19 they -- they -- I'm sure the first time you saw them, you were  
20 horrified. They're not pretty. They're not pretty, I'll  
21 concede that. But you know something? I've never seen a  
22 pretty murder. I have never seen one.

23 And you people knew that we were talking about  
24 murder. You people knew when we were voir diring you that you  
25 could set your -- your emotions aside and that you could deal

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1 with this case solely on the law. And we believed you then,  
2 and, unfortunately, or fortunately, we have to believe you  
3 now.

9:43A 4 We thought that you were people of your word,  
5 and that's why you're sitting here, and that's why I'm talking  
6 to you. And I believe you are. I believe you are. Because  
7 what we talked to you about, what we talked to you about were  
8 these -- were these special issues and how they apply the  
9 facts to the law. Okay?

10 Let's go into that some. Let's go into that  
11 some. You know, have you ever gone out and -- and bought a  
12 car from somebody that was, well, just not showing you all the  
13 cards? Have you ever gone out and dealt with somebody that  
14 was, you know, kind of giving you a fast shuffle, or just  
15 trying to get you somewhere that you didn't want to be?  
16 Unfortunately for you all, I think -- I think that's some of  
17 what's happened here today.

9:44A 18 You know, let's go back to Mr. Pask's little  
19 litany of 1988. 1988 was not a good year for Mr. Wright, I'll  
20 concede that.

21 And I'll concede another thing: Mr. Wright will  
22 huff some paint. If you want to kill him for huffing paint,  
23 just answer these questions the way you know how. If you want  
24 to kill him for what happened out at Wendy's, just answer  
25 those questions that way.

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1 But, you know, what were they showing you? We  
2 know -- we know the welcome mat isn't out for Mr. Wright at  
3 Wendy's, but what -- you know, let's get to the bottom of  
4 that. What happened there? He's got a wife that worked at  
5 Wendy's, and he comes up there, and they're having marital  
6 problems. And she calls the police, and the police come and  
7 he drives off and he goes on whatever this -- this circuitous  
8 deal was, but somehow ends right back up at Wendy's.

9 Now, you know, they made it sound like something  
10 out of the Steve McQueen movie in San Francisco, but, you  
11 know, he ends right back up at Wendy's and, you know, a lot of  
12 this stuff that they -- they remembered yesterday, nine years  
13 later, they didn't remember back in '88.

9:46A 14 You know, they left it out. Hey, we brought you  
15 from Memphis to kill this guy. Isn't there something better?  
16 You know, can't you remember something else? Oh, yeah, well,  
17 he tried to hit me with the car.

18 Well, you didn't put that in the report. Right  
19 there where -- right -- you know, minutes after he tried to  
20 run you down with the car, you didn't put it in the report.

21 We're trying to kill this guy. Can't you put  
22 something better in there? Oh, yeah. Yeah. I remember now.  
23 I didn't put that in, but he tried to run me down.

24 Are they being honest with you? They want you  
25 to take a life, but are they showing you all the facts?

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1 What's the next deal? What's the next deal?

2 Well, he comes up there again to Wendy's. His wife, once  
3 again, calls the cops and he gets arrested again. Is that a  
4 continuing threat to society? Is that a criminal act of  
5 violence?

Is huffing paint a criminal act of violence?

9:47A 7 1 What's the next thing they come up with? The  
next thing they come up with is his wife calls the police  
again. She calls the police again, and they come out and then  
10 we have the chase through the woods, or whatever. And once  
11 again, once again we've got a chipped tooth, which we don't  
12 remember for nine years, and we've got a broken hand, which we  
13 don't remember for nine years, and we didn't put either of\*  
14 those in the report.

15 Hey, we're trying to kill this guy. Can't you  
16 come up with something better than that? Oh, yeah, I remember  
17 I chipped a tooth. Oh, I remember my hand still aches. It  
18 still aches after all these years. Nine years. That's it.  
19 That's it.

20 And then we've got leaving the crack house. Not  
21 having dope. Not running a crack house. We don't even know  
22 if it was a crack house. We don't -- you know, is that a  
23 continuing threat to society because of criminal acts of  
24 violence? It's a nuisance. Something to arrest him for, but  
25 is it a criminal act of violence?

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:48A 1 Is leaving this courtroom a criminal act of  
2 violence? Is leaving anywhere?  
3 Is huffing paint a criminal act of violence?  
4 Now, then, now, then, let's go to their trump  
5 card. Let's go to their trump card. He rapes women.  
6 Mr. Pask wouldn't get off of that. Mr. Pask wouldn't get off  
7 of that. But, you know, somewhere between the rape kit and  
8 the courtroom, we figure out it ain't a rape after all. It's  
9 some sort of assault. It's some sort of an assault. And what  
10 does it come down to?

9:49A 11 Now, then, are they playing fair with you? Are  
12 they showing you all the facts? This is in evidence, and you  
13 can take this back and you can read it yourself. But when you  
14 go over here, the man who got sent to the penitentiary, the  
15 penitentiary, on January 25th of 1990, didn't, in fact, get  
16 sent to the penitentiary after all.

17 The place of confinement is the local work  
18 house. He's sent somewhere to work at a job. Not -- not a  
19 prison. And what's he doing? He's on work release, at that,  
20 and then you get escape. Escape.

9:50A 21 Hey, just the word conjures up Jimmy Cagney  
22 crawling through the sewer, and the search lights, the guards  
23 shooting, the blood hounds chasing him through the swamps.  
24 Hostages. It's enough to chill your bones. But let's look at  
25 that. Let's look at that. Hey, trust us. We're from the

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1 State. We're here to kill.

2 He escaped.

3 When you read the Indictment for escape, which  
4 was so heinous, it got him an additional year, but when you  
5 read the Indictment for escape, what does it say? From the  
6 Davidson County Prerelease Center. He wanders off from work  
7 release. He doesn't come back from work one day. That's your  
8 escape. That's your continuing threat to society. That's the  
9 blood hounds chasing him down and the bullets zinging over  
10 this wall.

9:52A 11 It sounds pretty terrifying when you hear it  
12 from Mr. Pask, but when you go and you read it and you figure  
13 out that he was never, in fact, sent to the penitentiary on  
14 this deal, he processed out of the penitentiary, which is  
15 where these fingerprints and mug shots came from, but he  
16 wasn't confined there, and you'll read the sentence that say  
17 that he's never been to the penitentiary. And that -- that  
18 was seven years ago.

19 Then there was a hiatus, a hiatus until what  
20 brings us here. Until what brings us here. And I don't know,  
21 I don't know what caused the behavior that night. I still  
22 maintain that it wasn't Mr. Wright's behavior, but y'all have  
23 found otherwise. Y'all have found otherwise.

24 But, you know, you've got to look at this and  
25 say, does he constitute a continuing threat to society because

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1 he's going to commit criminal acts of violence?

9:53A

2 Now, you know, the State, in their voir dire,  
made prison sound like some sort of fire drill. They talked  
4 to you about threats to the warden, to the doctors, to the  
5 nurses, and to the visitors, as if TDC started yesterday and  
they didn't exactly have the plan down yet; as if they just  
7 put it in place yesterday, and they just hadn't figured out  
how to protect anybody, or how to control anybody.

They don't have it over the gate, but they ought  
10 to have it over the gate at TDC where it states the threat  
11 stops here. Threats ain't us. We know how to deal with  
12 threats. Give us your worst, and we handle them. We don't  
13 take anything off anybody. You're in good hands with TDC.  
14 You're not a threat to anybody. And if you think you are, we  
15 know how to deal with you. We know how to deal with you.

9:55A

16 And we're going to have Gregory Wright for at  
17 least 40 years. And we know how to deal with him. He's not  
18 going to be a threat to anybody. And, you know, in a way, -  
19 in a way, what you didn't hear is a whole heck of a lot more  
20 important than what you did hear. What you didn't hear is a  
21 whole lot more than what you do hear.

22 Did anybody come in here and raise their right  
23 hand and say, I'm a psychiatrist. I've looked at his record.  
24 I've examined everything that the State gave me. He's a  
25 sociopath. He's going to be a continuing threat to society.

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1 You can bank on it. Trust me. Did you ever hear that? No.

9:56A

2 Okay. How about -- how about the guards, or the  
3 staff at the work house prerelease center, wherever. They --  
4 they had these records. They had these records. Do you think  
5 they didn't have discipline records?

6 Did anybody come in here and say, I'm the  
7 supervisor, the warden, whatever? In Tennessee, he was a --  
8 he was a bad prisoner. He was a threat. You let this guy  
9 live, he's going to be a continuing threat to society. Did  
10 anybody tell you that? Trust us. We're from the State.  
11 We're here to kill.

1:57A

12 You know, they brought -- they brought half the  
13 State of Tennessee down here yesterday. Did they bring one  
14 person to tell you -- to tell you what he was like when he was  
15 confined, what kind of problems he created or didn't create  
16 when he was confined? Did you hear that from anybody? Could  
17 you have? If it was there, you're damn right you could have.  
18 But it wasn't there. And I'd submit to you, that screams as  
19 loudly as any testimony in that regard.

20 Let's get a little closer to home. Did they  
21 bring anybody from Dallas County Jail? He's been in jail for  
22 nine months. My math's not any good, but, you know, it's from  
23 March of last year. Did they bring one person from the jail  
24 to say this guy is a threat to society because of what he's  
25 done in jail?

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:58A 1           You know, they don't -- somebody explained it to  
2 me a long time ago. Jails and prisons aren't in the business  
3 of keeping records of when you clean your plate. The only  
4 thing they put down is when you break the rules and when you  
5 mess up. When you break the rules and mess up. They don't  
6 say that you picked an extra hundred pounds of cotton today  
7 and you get a gold star. They don't care about that. But you  
8 mess up and you're a discipline problem, they make a note of  
9 it big time, because it's the only thing they care about, is  
10 making sure you're not a discipline problem; that you're not a  
11 threat.

12           But I'll guarantee you, you didn't hear one peep  
13 from the people that are less than 25 yards away over in the  
14 jail about what a bad prisoner Gregory Wright was. Trust us.  
15 We're from the State. We're here to kill.

9:59A 16           Now if he was a bad prisoner in Dallas County  
17 Jail, yeah, I'd say he's going to be a continuing threat,  
18 probably, but they -- they can't tell you that. There's  
19 nobody anywhere that can tell you that.

20           You know, let's get closer to home. How about  
21 the bailiffs? Did they call anybody that's dealt with him?  
22 Anybody.

23           There's not one soul that's here to tell you  
24 that he's a continuing threat to society because he's going to  
25 commit criminal acts of violence.

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1                   And like I say, it's -- it's not huffing paint,  
2                   and it's not quarreling with your ex-wife. It's got to be a  
3                   threat because you're going to commit criminal acts of  
4                   violence. And he's not committing criminal acts of violence  
5                   when he's in confinement.

10:00A 6                   There's no proof that he's ever going to do  
7                   that, or that he ever has, or that he ever will, and you can  
8                   only go by the evidence. This word right here, "from the  
9                   evidence". And you've heard no evidence. Zero. Minus  
10                  evidence. And it's not like we've got to bring the records  
11                  from Mars.

12                   You know, we've got the State of Texas here.  
13                  They've got any -- they've got unlimited resources. If there  
14                  was one person out there at their disposal who could tell you  
15                  anything that says he's a continuing threat when he's in --  
16                  when he's in prison, he's a continuing threat when he's in  
17                  jail, he's going to be a continuing threat to -- if he's in  
18                  TDC, did they bring somebody down here to -- hey, don't be  
19                  sending him down here. We can't handle him. We can't handle  
20                  him.

10:02A 21                  You send him down here for 40 plus years, he's  
22                  got to be committing criminal acts of violence and he's going  
23                  to be a continuing threat. There's nobody that said that and  
24                  there's nobody in the world that's going to.

25                   The only people that can say that are you. And

nBrL Lo kill him, because you want to kill him, and you don't  
4 think that he can be -- that he can be kept anywhere that he's  
5 not going to be a continuing threat, and you know that's not  
6 true. You know that's not true.

7 And it just doesn't work that way. It just  
8 doesn't work that way.

10:03A 9 You know, like I say, I -- I've tried to -- to  
10 show you what I think the evidence shows, or the lack of  
11 evidence shows about one thing: Whether Mr. Wright there is  
12 going to be a continuing threat to society because he's going  
13 to commit -- commit criminal acts of violence.

14 And I don't think -- in fact, I'm positive that  
15 the evidence isn't there. And that's your job to take a cold,  
16 hard look at the evidence, or the lack thereof.

10:04A 17 And Mr. Davis gets the last word. The State  
18 always gets the last word. And he's going to try and stampede  
19 you and get over you and stab the floor, and do all of those  
20 things, and that's fine.

21 But when you take the Charge and you go back to  
22 the jury room and you analyze this issue right here, this  
23 issue right here -- and you have to find this beyond a  
24 reasonable doubt. You have to be able to act unhesitatingly  
25 in your most serious of personal affairs. And, ladies and

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1 gentlemen, if this ain't serious, I don't know what you deal  
2 with. I don't know what you deal with if this ain't serious.

3 But you have to be convinced beyond a reasonable  
4 doubt that those questions should be answered in the way the  
5 State wants you to. And it ain't there, and I hope and pray  
6 that you don't answer it there. Thank you very much.

10:05A 7 THE COURT: Mr. Davis, you have 28 minutes left.

8 MR. DAVIS: May it please the Court.

9 Well, ladies and gentlemen, I know at this time,  
10 you're probably happy to hear I'm the last lawyer that's going  
11 to talk to you. Everybody hold their seats. No stampede  
12 coming here. I'm not going to run at you.

13 I do want to thank you, though, again. I want  
14 to thank you for two things. I want to thank you for the  
15 careful consideration you gave the evidence in the first part  
16 of this trial. You came to a correct verdict then because you  
17 did that.

18 I also want to thank you, I guess, in a way for  
19 having the courage for taking this long and very difficult  
20 journey with us, and this has been a very difficult case, I  
21 know, to have to sit there and to have to see things and to  
22 hear things that really no -- no human beings ought to have to  
23 see and hear. I mean, these facts are horrible. They're  
24 graphic. And I regret that you had to see and hear them. But  
25 it just so happened in this case the truth was a very ugly set

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1 of facts. But it was necessary for me to share those with  
2 you.

3 Now, you know, it seems that the age may change,  
4 the names may change and the faces may change, but it seems  
5 like some things never do change, do they?

6 You know, Monday, what did you hear? You heard  
7 you can't trust the State of Texas. You know, we're being  
8 unfair. We're hiding the ball. Somehow we're -- we're  
9 misleading you by trying to imply that Gregory Wright actually  
10 used that gold paint out there and that maybe he's huffed that  
11 paint in the past. And I remember being severely criticized  
12 for that on Monday. The first thing you hear the very next  
13 day is what? This man's been huffing paint for the last eight  
14 or nine years, you know.

15 Criticized severely for trying to imply that  
16 maybe this guy's got a crack cocaine problem. Again, what do  
17 you hear? The very next day, back in 1985, Memphis, Texas --  
18 Memphis, Tennessee, I'm sorry. Where's he coming out of while  
19 he's on probation? Crack house.

20 I mean, some things never do change, do they?  
21 So I'm not surprised we're criticized and there's some ball  
22 that we're hiding today. I mean, this is the reality that we  
23 face. And unfortunately, something else didn't change this  
24 morning.

10:08A 25

You know, it never seems that it's the

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1 defendant's fault. You know, today it's not  
2 Gregory Edward Wright's fault. You know, somehow he's not to  
3 blame. I remember Mr. Brauchle, in fact, said to you, you've  
4 brought this upon yourselves, you twelve jurors. You know,  
5 you brought that upon yourselves by rendering a true verdict  
6 in the first part of this phase.

7           Folks, don't feel one bit of guilt for having  
8 done what's right. Don't you dare feel any guilt at all today  
9 as you do the right thing once again. Make no mistake about  
10 it. There's only one person to blame here. There's only one  
11 person who has his life in his hands. He literally had it in  
12 his hands, did he not, back there on March the 21st of 1997,  
13 when he grabbed that butcher knife and he plunged it into the  
14 heart and to the throat of Donna Duncan Vick.

15           He had his life in his hands, and at that time  
16 he said to you and to himself that the life of Donna Duncan  
17 Vick meant more than anything at all. He wanted that crack  
18 and he'd do anything necessary. You folks are not to blame  
19 for what he's done. You're not to blame for his fate.

10:09A 20           He has been the author of that fate now since  
21 1988 in Memphis, through Nashville, through Dallas.  
22 Everywhere he's been, he's been consistent, hasn't he?

23           Mr. Brauchle asked you, well, thank goodness,  
24 what do these things -- what do they show to you?

25           They ought to show you a couple things very,

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1 very clearly. First of all, this person is consistent, isn't  
2 he? Because again, in Memphis, Tennessee, what do you see out  
3 of this man's hands, this hard-working man's handy man? Oh,  
4 his hands haven't been idle, have they? Because in Memphis,  
5 Tennessee, what do we see very clearly? We see criminal acts  
6 of violence being practiced upon women and upon the people who  
7 are in authority.

8 MR. BRAUCHLE: Your Honor, I'm going to object  
9 to this as being outside the evidence.

10 THE COURT: Overruled.

11 Ladies and gentlemen, you'll remember the  
12 evidence as you heard it.

13 MR. DAVIS: That's what we see. We see it  
14 against women and we see it against police officers.

15 MR. BRAUCHLE: Your Honor, I'll renew my  
16 objection.

10:10A 17 THE COURT: Overruled.

18 MR. DAVIS: We see it not once, but we see it  
19 several times. We see it against deputy sheriffs out there  
20 trying to enforce the law trying to protect the people who  
21 live in Shelby County. We see it against people, who he  
22 presumably loves, **there in Memphis, Tennessee.**

23 Then he heads on down the road, doesn't he?  
24 Let's take a ride east to Nashville, and what do we see? We  
25 see a very consistent Gregory Edward Wright, don't we? What

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1 do we see again? We see violence out to the streets. We see  
2 it against the homeless of Nashville. We see it with a knife.  
3 Does that conjure up any thoughts in your mind? A folding  
4 knife? Blade open to the side? As Off. Gann gets up there,  
5 thankfully in time to stop that fight before it progressed any  
6 further. And then what else do we see in Nashville? We see,  
7 again, criminal acts of violence practiced against women.

10:11A 8 This time, the victim happened to be Vickie  
9 Warmus. Thank God she lived to tell about it.

10 A consistent Gregory Edward Wright is what it  
11 shows us, and it shows you that this man not only will, not  
12 only is he capable of committing criminal acts of violence,  
13 but he has on several occasions before he ever got to Dallas,  
14 Texas. This has been his consistent pattern of behavior.

15 You know, I think in voir dire we mentioned  
16 this: What's the best predictor of the future? It's the  
17 past. It's an ugly, violent past authored by one man: This  
18 man here, Gregory Edward Wright, with his own hands, with his  
19 own mind, with his own will of desire. He's put you on  
20 notice. He's not about to follow the rules that you and I  
21 follow, folks.

22 He has no regard for human life. He'll do  
23 anything to you. He'll take you. He'll stab you. He'll kill  
24 you, if necessary, if it's his desire, and it has been in the  
25 past.

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0:12A 1 MR. BRAUCHLE: Your Honor, we would object to  
2 this as being outside the record.

3 THE COURT: Overruled.

4 Again, ladies and gentlemen, you'll remember the  
5 evidence as you've heard it.

6 MR. DAVIS: And that's exactly what he's told  
7 you about himself through his acts since 1988.

8 Now that word "society", Mr. Brauchle mentioned  
9 that. Folks, first of all, let me remind you, as you look at  
10 that word "society", as we've told you on voir dire, you have  
11 a very clear right not only to consider the people who may be  
12 in a prison setting with this person, but you also have the  
13 right to consider all the rest of us.

14 You have that absolute right. And I'll tell you  
15 what, this person is a threat to society as clearly as anyone  
16 you'll ever lay your eyes on. Be you homeless, be you female,  
17 be you male, it doesn't matter. He's an equal opportunity  
18 predator. He'll con his way into your life, if necessary.  
19 You know, he's a threat no matter who he comes up against.

10:14A 20 When we talk about a prison setting,  
21 Mr. Brauchle told you about TDC and, you know, about their  
22 miraculous ability to control people. You know, that's got to  
23 be cold comfort today to the countless men and women who have  
24 been brutalized by other prisoners in that prison setting,  
25 doesn't it?

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1 MR. BRAUCHLE: Your Honor, we would object to  
2 this as being outside the evidence.

3 THE COURT: Overruled.

4 MR. BRAUCHLE: Note our exception.

5 MR. DAVIS: Make no mistake about it. That's a  
6 place full of violent people. It's a dangerous place, and  
7 it's a violent place.

8 MR. BRAUCHLE: Your Honor, once again, we would  
9 object to this as being outside the evidence.

10 THE COURT: Overruled.

11 MR. DAVIS: You see, that's -- you're entitled  
12 to see the full picture, if you will.

13 You know, and as you look at this person here  
14 and you think about the authority figures that he's going to  
15 have to deal with down there in that prison setting, what's  
16 been his attitude always through the past toward those  
17 authority figures? It doesn't take a lot of imagination here,  
18 does it?

19 When you think about the officers who have had  
20 to chase him down; the officers that have been struck in the  
21 face by this man; the officers that have been kicked by this  
22 man; the officers who have given him repeated instructions to  
23 do things, to drop the knife, drop that weapon; who have just  
24 had to sit there and literally wonder, is he ever going to  
25 follow my command; and to those officers who had to look him

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1 down as he grabbed for that clawhammer, make no mistake about  
2 it, whoever he encountered, whether they be people like you  
3 and I, or authority figures, they're at risk as long as this  
4 person's alive. This is the reality of Gregory Edward Wright.

10:15A 5 There should be no question whatsoever on  
6 question number 1, beyond any reasonable doubt, beyond any  
7 shadow of a doubt, this man, by his own actions, in DeSoto,  
8 Texas, and throughout the past has shown you, he's clearly a  
9 threat to society, no matter where he is. The answer is yes  
10 there. And don't, don't give him what he wants, which is a no  
11 answer.

12 You know, Miss Vick didn't have a choice. You  
13 know, when she said no out there in DeSoto, she had no choice  
14 but to give up her life. Don't give this man what he wants  
15 today. Don't do that. You don't have to do that.

16 And let's look at question number 2, and I can  
17 understand why Mr. Brauchle didn't want to spend a lot of time  
18 on question number 2.

19 He says to you, let's look at State's  
20 Exhibit 47, and let's, you know, let's -- let's look at the  
21 Bible here. You know, let's -- let's -- first of all, let's  
22 make clear what this description is. I believe there was a  
23 misstatement to you just a few moments ago.

10:17A 24 It doesn't say "To Gregory Wright, a good person  
25 and Christian."

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Read it clearly. It says, "Presented to Gregory E. Wright on the 23rd day of January, 1997, by -- by a good person and Christian."

4                   You know, that inscription, together with this  
letter, which appear to be from a relative, a mother, a  
grandmother from Tennessee or Kentucky, I want to show you  
7 another thing.

                  There have been people in this man's life  
9 besides Donna Duncan Vick who have reached out to him, who  
10 have attempted to love him, cared for him, helped him, shown  
11 him as much compassion and Christian love as possible. But  
12 what's been the result? The death of Donna Duncan Vick.

13                   He's a man, really, without excuses, isn't he?  
14 I mean, can you say, you know, this poor fellow's never had an  
15 opportunity? No one's ever loved him. He was just out there  
16 by himself. He was like an island among men. Absolutely not.  
17 I mean, you look at that guy right here. Look at him. No  
18 excuses whatsoever, because he's known human kindness. He's  
19 known compassion and help and assistance.

10:18A 20                   MR. BRAUCHLE: Your Honor, we would object to  
21 this as going to the defense's failure to testify.

22                   THE COURT: Overruled.

23                   MR. BRAUCHLE: Note our exception.

24                   MR. DAVIS: You're looking at a fellow right  
25 here who's got absolutely no excuse for why he's sitting in

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1 that chair today.

2 MR. BRAUCHLE: Your Honor, once again we'd renew  
3 our same objection.

4 THE COURT: Overruled.

5 MR. DAVIS: He says to you, you know, Donald  
6 Cole thought he was a pretty good fellow out there when he was  
7 going to drink with him at the bar. You know, I'll submit to  
8 you that it's a reasonable deduction from the evidence that  
9 Donna Duncan Vick thought he was a pretty good fellow, too,  
10 before she got butchered by him that night.

11 Mr. Brauchle talks about Tom Landry. Listen,  
12 I'm not asking for Tom Landry, or whoever, you know, may be  
13 down here, but is it pushing the limits just -- just really a  
14 long ways, ladies and gentlemen, to ask the question, you  
15 know, this man who supposedly can be redeemed somehow? Is it  
16 pushing the limit to ask, you know, where is that one  
17 neighbor? You know, where is that one minister?

10:19A 18 MR. BRAUCHLE: Your Honor, we're going to object  
19 to this as being improper in that it goes to the defendant's  
20 failure to testify or to present evidence.

21 THE COURT: All right. Overruled.

22 MR. BRAUCHLE: May we have a continuing  
23 objection?

24 THE COURT: You may.

25 MR. DAVIS: Where is that one minister? Where

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1 is that one family member who can say that this man's even  
2 capable of being redeemed? Where is that person from Memphis,  
3 or Nashville, or Dallas? Where is that person?

4                   When you look at question number 2, Mr. Pask is  
5 right. There's absolutely nothing about this offense that's  
6 mitigating in any way. There's absolutely nothing in the  
7 evidence concerning this man's character and background, or  
8 personal moral culpability that's mitigating in any fashion  
9 whatsoever. You know, if mitigation were water that could be  
10 dumped out on this courtroom floor, I'm here to tell you right  
11 now, this floor is bone dry. There ain't no mitigation here.  
12 Absolutely none.

10:21A 13                   And, you know, Donna Duncan Vick, she's kind of  
14 the forgotten person here, isn't she. You have to spend a lot  
15 of time, unfortunately, talking about the likes of  
16 Gregory Edward Wright.

17                   Donna Duncan Vick, I want you to remember one  
18 thing: You know, she was ours, once. You know, she was our  
19 neighbor. She was our helping hand. She was that good  
20 Samaritan who would go out there on the cold holiday to help  
21 our neighbors. She was our daughter. She was our mother.  
22 And she was our grandmother. She was all of those things.

23                   You know, she was that person who would go out  
24 there and selflessly bring light into darkness. She was that  
25 person who would bring love to the unloved. You know, she was

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1 among the very best in our community, and we're going to miss  
2 her forever. And all of our lives are going to be diminished  
3 because this individual right over here on March the 21st,  
4 decided he'd be the judge, jury, and executioner of Donna  
5 Duncan Vick.

10:22A 6                   You know, you talk about mercy for  
7 Gregory Edward Wright in regards to the horrible acts that  
8 he's committed. Just think to yourself, what crime did Donna  
9 Duncan Vick commit out there besides giving Christian mercy  
10 and compassion to this undeserving person right here. And for  
11 that crime, he declared that to be a death-penalty offense,  
12 and he carried out the execution of that offense speedily and  
13 cruelly and brutally upon a totally innocent and helpless  
14 woman. And that's why we've lost her. Forever.

15                   I'm going to ask you when you go back in there  
16 for a few minutes to remember that, and to very clearly, by  
17 your answers to these questions of yes and no, you send a  
18 signal to people -- first of all, to this person over here.  
19 You send a very clear signal to him. You send a clear signal  
20 to others like him.

10:23A 21                   MR. BRAUCHLE: Your Honor, we would object to  
22 this as being improper.

23                   THE COURT: Overruled.

24                   MR. DAVIS: You know, send a signal to him and  
25 others like him. If you come into this county and you



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1 number 2 no, because that's what the truth demands in this  
2 case.

3 May God be with you.

4 THE COURT: Miss Biggerstaff?

5 (Jury retired to deliberate its verdict.)

11:14A 6 (Jury not present.)

7 THE COURT: All right. Let the record reflect  
8 we're outside the presence of the jury.

9 The Court's received three notes from the jury.  
10 Note one is: Could we have a pitcher of ice water, please.  
11 And the bailiffs have provided them a pitcher of ice water.

12 The second note is, they would like the  
13 following evidence: "The picture of Donna with dog; number 2,  
14 the Bible; number 3, the card; number 4, the prison packet,  
15 which was State's Exhibit Number 90.

16 Any objection to those being provided to the  
17 jury, Mr. Pask?

11:15A 18 MR. PASK: No, Your Honor.

19 THE COURT: Mr. Johnson?

20 MR. JOHNSON: No objection.

21 THE COURT: Any objection to the bailiff simply  
22 taking those into the jury?

23 MR. JOHNSON: No objection.

24 THE COURT: Okay. Mr. Pask?

25 MR. PASK: No.

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1 THE COURT: All right. The third note is they  
2 want the large board with two questions, which was the -- in  
3 my opinion, was the demonstrative board with the two issues  
4 that was used during argument by both sides for the jury.  
5 That board is not in evidence, and the questions that they  
6 have are contained in the Charge.

MR. BRAUCHLE: Well, neither Mr. Pask nor I  
8 object to that being provided with them. It's obvious that  
9 those questions are in the Charge, but if it would make their  
10 deliberations easier one way or another, and neither side  
11 objecting, I can't see any harm.

12 THE COURT: All right. Off the record.

13 (Off-the-record bench conference was had.)

11:18A 14 THE COURT: All right. Back on the record.  
15 Still outside the presence of the jury.

16 In regards to note number 3, the large board  
17 with the two questions, it is the request of the defense,  
18 Mr. Johnson, that the Court send that board in to the jury?

19 MR. JOHNSON: We have no objections to sending  
20 that to them.

21 THE COURT: All right. So you want that sent in  
22 to them.

23 MR. JOHNSON: Yes. We request that it be given  
24 to them.

25 THE COURT: All right. And, Mr. Pask, is the

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1 State in agreement that that should be sent to the jury?

2 MR. PASK: Yes, Your Honor.

3 THE COURT: All right. Mr. Wright, you  
4 understand that the board we're talking about was the board  
5 used during the closing argument which contained the two  
6 special issues. The jury has requested that. Your attorneys  
have requested that. The State's in agreement.

8 Is the -- is your attorneys' actions approved by  
9 you?

10 THE DEFENDANT: Yes, it is, Your Honor.

11 THE COURT: That is, in fact, the way you want  
12 this note to be handled; is that correct?

13 THE DEFENDANT: That is correct.

11:19A 14 THE COURT: All right. Back off the record,  
15 Donna.

16 (Off-the-record bench conference was had.)

11:25A 17 (Jury not present.)

11:26A 18 THE COURT: Both sides having had a chance to  
19 review the front and back of the board, Mr. Johnson, is it  
20 still your request to send this in to the jury?

21 MR. JOHNSON: Yes, Your Honor.

22 THE COURT: All right. Mr. Pask, is it still  
23 your request?

24 MR. PASK: Yes, Your Honor.

25 THE COURT: All right.

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1 (Recess taken.)

4:46P 2 (Court reconvened; jury not present)

4:47P 3 THE COURT: State ready?

4 MR. DAVIS: We're ready.

5 THE COURT: Mr. Johnson for the defense?

6 MR. JOHNSON: We're ready, Your Honor.

7 THE COURT: Jan?

8 (Jury panel present.)

4:49P 9 THE COURT: All right. You may be seated.

10 Ladies and gentlemen of the jury, I have  
11 received the Court's Charge back from you, it having been  
12 filled out by the jury.

13 In regards to special issue number one: "Do you  
14 find from the evidence beyond a reasonable doubt that there's  
15 a probability that the defendant would commit criminal acts of  
16 violence that would constitute a continuing threat to  
17 society?" Your answer is yes.

18 Is that your answer, Miss Barnes?

19 THE FOREPERSON: Yes, sir, it is.

20 THE COURT: And is that the answer of each and  
21 every juror? If so, please raise your right hand.

22 All right. Let the record reflect that all  
23 twelve jurors raised their right hand.

24 In regards to issue number 2: "Do you find that  
25 taking into consideration all of the evidence, including the

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1 circumstances of the offense, the defendant's character and  
2 background, personal moral culpability of the defendant there  
3 is a sufficient mitigating circumstance or circumstances to  
4 warrant a life sentence be imposed?" The answer you've signed  
5 is no.

6 Is that your answer, Miss Barnes?

7 THE FOREPERSON: Yes, Your Honor.

8 THE COURT: And is that the answer of every  
juror? If so, please raise your right hand at this time.

10 All right. Let the record reflect that all  
11 twelve jurors have raised their right hand.

12 It's my duty now to sentence you, Mr. Wright.

13 The jury having found you guilty of the offense  
14 of capital murder, and having returned an affirmative finding  
15 to the first special issue, and a negative finding to the  
16 second issue, it is the duty of the Court to assess your  
17 punishment at death.

18 Is there any reason under the law why you should  
19 not be sentenced at this time?

4:50P 20 MR. JOHNSON: No legal reason, Judge.

21 THE COURT: That being the situation, it is the  
22 order, judgment, decree of the Court that you be taken by the  
23 sheriff of Dallas County and by him safely held until you may  
24 be transferred to an authorized receiving agent of the  
25 Institutional Division of the Texas Department of Criminal

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1 Justice.

2 You shall be confined in said Institutional  
3 Division in accordance with the laws governing said  
4 Institutional Division until such a day to be determined by  
5 this Court at sometime after the hour of 6:00 p.m. in a room  
6 arranged for the purpose of execution; the said director  
7 acting by and through the executioner, designated by the  
8 director, provided by law, is commanded, ordered and directed  
9 by this Court to carry out the sentence of death by  
10 intravenous injection of a substance or substances in a lethal  
11 quantity sufficient to cause your death and until you are  
12 dead.

13 You are hereby remanded to the Dallas County  
14 Sheriff until the directions of this Court can be carried out.

15 Ladies and gentlemen, I at this time discharge  
16 you of your duty as jurors.

17 I appreciate the time, attention and  
18 consideration you've placed in this case. Believe me, I think  
19 we all understand the great duty which you had, and we  
20 appreciate it.

4:S1P 21 Miss Biggerstaff?

22

23 (Court and jury recessed.)

24

25 (End of proceedings.)

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(Court's Exhibits will be found in Volumes 52,  
State's X Exhibits found in Volumes 53 & 54,  
State's Exhibits found in Volume 55, and Defense  
Exhibits found in Volume 56.)

(Mary Snider reporter a hearing held after  
the trial was completed, and will be found in  
Volume 57.)

1 THE STATE OF TEXAS )  
2 COUNTY OF DALLAS )

3

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

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

15 WITNESS my hand this the ~~ day of May, A.D., 1998.

16

17

18 DONNA C. HILL-WYNK~OP, /RMR, CRR, RPR, CSR  
19 OFFICIAL COURT REPORTER  
20 CERTIFIED REALTIME REPORTER  
21 REGISTERED MERIT REPORTER  
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23 CERTIFICATE NO.: 1779  
24 CERTIFICATION EXPIRES: 12-31-99

25