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# Voir Dire

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

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Patrick Wilson—County & District Attorney

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## Criminal Case Filings Rise With the Population

Based on actual cases received in our office through the month of May, total criminal case filings for 2014 are projected to increase by more than 17%.

According to the latest estimate, the population of Ellis County is **155,976**, an increase of more than 4.25% over the 2010 Census.

## Is That Dog Dangerous?



The Health and Safety Code governs dogs that are dangerous to persons.

When a dog attacks a person, you must first determine whether the attack caused death or serious bodily injury. If the attack caused death, then the dog must be humanely destroyed. The Judge may order the dog humanely destroyed if it is found the attack caused serious bodily injury. The code defines serious bodily injury as "an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from

a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment." Sec. 822.001 Health & Safety Code.

It really becomes interesting when a dog attacks a person, but does not cause serious bodily injury. Growing up I always heard that a dog gets one free bite. The dangerous dog statute still has remnants of that statement. A dangerous dog is defined as a dog that makes an unprovoked attack on a person causing bodily injury (not serious bodily injury) outside of the enclosure in which it was being kept or causing someone to reasonably believe the dog will attack causing bodily injury.

An owner must have notice that his/her dog is dangerous. The owner receives notice by either: 1) knowledge the dog attacked; 2) a court finding the dog dangerous; or 3) the owner is informed by the animal control authority that the dog is a dangerous dog. Once notified of the dangerous dog, the owner has 30 days to comply with the dangerous dog statute, meaning: registering the dog with the animal control authority, restraining the dog at all times, obtaining \$100,000 in liability insurance, and complying with all municipal and county restrictions on dangerous dogs. Failure to comply could result in seizure and destruction of the animal.

~Vance Hinds

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## In Memoriam: Officer Heather Phares

Midlothian Police Department lost one of its own, April 21, 2014. Officer Heather Phares passed away as a result of injuries suffered from a two-vehicle accident on Highway 287. Officer Phares was off-duty when her vehicle struck the rear of a tractor-trailer loaded with steel. She worked with the Midlothian Police Department for almost two years prior to the accident.



Officer Heather Phares

After growing up in Mansfield, Officer Phares graduated from Mansfield Summit High School and the North Central Texas Council of Governments Regional Police Academy. "The Midlothian Police Department has lost one of our finest and there are no words to express our deep sadness," Midlothian Police Department. Officer Heather Phares was 22 years old.

## Legal Update

### Riley v. California

The police may not search information on a cell phone seized from an individual who has been arrested unless the facts create an exception to the warrant requirement, such as exigent circumstances. In most cases, you must obtain a warrant or consent before searching a cell phone. You can hold a phone until the warrant is obtained.

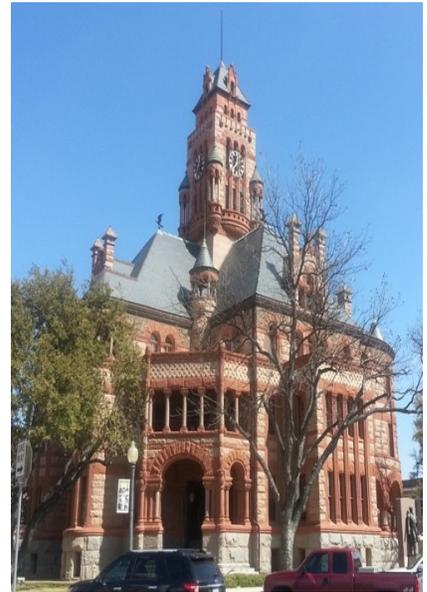
### Halili v. State

An officer may conduct an undercover investigation outside his jurisdiction and the evidence legally obtained can properly form the basis of a search warrant. Although the officer has no authority as a peace officer outside of his jurisdiction and is essentially acting

as a citizen, there is nothing illegal about a citizen gathering evidence. The officer entered an 8-liner parlor and played games.

### Navarette v. California

A driver calling 911 to report a specific make, model, and license number of a truck that had just run her off the road at a specific mile marker, was sufficient information to provide law enforcement with reasonable suspicion to perform an investigative stop for DWI. The tip, even if anonymous, was from an eyewitness and described behavior consistent with DWI, the officer's corroboration of the truck's description and location established that the tip was reliable enough to justify a traffic stop.



## Police Beat

**Italy Police Department Receives Recognition Status.** The Italy Police Department has achieved **"Recognized Status"** for compliance with the Texas Law Enforcement Agency Best Practices Recognition Program. Chief Diron Hill and the Italy Police Department are to be commended for the commitment made to this process.

**Ellis County Sheriff's Office STEPS up DWI patrols on the 4th of July weekend.** ECSO received grant funding from TxDOT's DWI STEP program for increased enforcement presence on the roads from June 27 to July 7, 2014. "We are taking advantage of this grant opportunity to put additional manpower on the roads during the holiday season," Sheriff Johnny Brown says.

**Midlothian Police Department is accepting applications for its 11th Citizen's Police Academy.** The purpose of the Academy is to give citizens who live and work in the Midlothian area an opportunity to learn about police work in general and also gain insight into the Midlothian Police Department. The Academy is free and will be on Thursday nights from 6:00 - 9:00, 8/28/14 through 11/6/14.

## DA Investigators-Fingerprint ID Experts



The investigators of the Ellis County District Attorney's Office are certified experts in fingerprint comparison: Phillip Martin, Mike Aman, Jeff Ward, Robert Allwardt, and Loretta Harper. All five successfully completed fingerprint training and have testified as an expert in court comparing rolled prints of

convicted criminals to the defendant's prints that were on trial for new offenses. Collectively, the investigators have testified in Ellis, Hill, Dallas, Denton, Collin Counties, as well as for the military. Rolled prints are fingerprints deliberately collected from an individual. For example, when a person is arrested, rolled fingerprints are taken from that person. In contrast latent prints means any chance or accidental impression left by the finger on a surface, regardless of whether it is

visible or invisible at the time of placement. Phillip Martin, Jeff Ward, Mike Aman, and Bob Allwardt have advanced training in latent print comparison. Advance training includes training through the Texas Department of Public Safety, the Federal Bureau of Investigation, and outside training agencies. We are very proud of the dedication and hard work of our investigators in this field and their willingness to support other agencies.

# Life Begins at Retirement

Congratulations to the recent retirees of the local law enforcement community.



**Nan Udell** retired as the **Chief Misdemeanor Prosecutor** of the Ellis County and District Attorney's Office. Nan retired after almost 30 years as a prosecutor and defense attorney, with a career spanning both coasts, including California, Florida and Texas.



**Waxahachie Police Chief Chuck Edge** announced his retirement after 32 years of service in the law enforcement profession.

Chief Edge started his career in law enforcement in 1982 with the Baytown Police Department. After 21 years with Baytown, Chief Edge served as Chief in Palestine, Texas before taking the helm in Waxahachie. July 4th will be Chief Edge's last day.



**Italy Chief of Police Diron Hill** retired on May 30, 2014. Chief Hill desires to spend more time with his family and start a new career as a student resource officer for the South Lake Police Department.



**Jimmy Smith** retired from the **Ellis County Community Supervision & Corrections Department** after a long and distinguished career.

# Jokes of the Day

Two hunters are out in the woods when one of them collapses. He doesn't seem to be breathing and his eyes are glazed. The other guy whips out his phone and calls the emergency services. He gasps, "My friend is dead! What can I do?". The operator says "Calm down. I can help. First, let's make sure he's dead." There is a silence, then a shot is heard. Back on the phone, the guy says "OK, now what?"



Sherlock Holmes and Dr Watson were going camping. They pitched

their tent under the stars and went to sleep. Sometime in the middle of the night Holmes woke Watson up and said: "Watson, look up at the sky, and tell me what you see."

Watson replied: "I see millions and millions of stars."

Holmes said: "And what do you deduce from that?"

Watson replied: "Well, if there are millions of stars, and if even a few of those have planets, it's quite likely there are some planets like Earth out there. And if there are a few planets like Earth out there, there might also be life."

And Holmes said: "Watson, you idiot, it means that somebody stole our tent."



While eating lunch at the Senior Center with his friends, a patron, proud of his new hearing aid, boasted that he has purchased the most expensive hearing aid on the market. He researched all of the available hearing aids and bought the best one available. One of his friends asked what kind it is and he replied, "12:30 in the afternoon."

# Recently Disposed

**David McKinley** convicted by jury of **Continuous Sexual Abuse of a Child** and **Indecency with a Child** receiving 25 years on each charge for a total of 50 years.

**Joe Manuel Alvarado** pled guilty and received 34 years for **Murder** and 20 years for **Tampering with Evidence**.

**Samuel Ortez aka Marco Alvarez** convicted by jury of **Aggravated Assault with a Deadly Weapon** and **Accident Involving Injury** and received 15 and 10 years respectively.

**Edwin Jaco** convicted by jury of **DWI 1st**, then agreed to a 180 day

sentence probated for 2 years.

**Justin Forbes** convicted by jury of **Criminal Trespass**, received 2 days.

Defendant charge with **Assault/Family Violence** found not guilty.

**Dana Saucedo** convicted by jury of **Sale of Alcohol to Minor** and received 135 days in the county jail.

Defendant charged with **Murder** found not guilty.

Defendant charged with **Tampering with a Governmental Record** and **Tampering/Fabricating Physical Evidence** found not guilty.

Defendant charged with **Possession of Marihuana < 2 Ounces** found not guilty.

**Shaka Hare** executed an **Agreed Judgment of Forfeiture** after testifying in her husband's, **Lennoard Hare's** bench trial, where the Court granted **Final Judgment of Forfeiture** for \$21,848.52 in currency, gym equipment (including 10 weight lifting machines, racks, benches, dumbbells and weights), lawn equipment (including 11 lawn mowers, 2 edgers, and 5 trimmers), and a pistol for DPS.

# Ellis County & District Attorney's Office

## Meet Our Staff



**First Row (from left):** Amy Nguyen, Nan Udell, Lindy Tober, Cindy Hellstern, Mary Trost, Patrick Wilson, Ann Montgomery-Moran, Amy Lockhart, Tabitha Smith, and Kristi Baxter.

**Second Row (from left):** Stacey Auvenshine, Kathy Grant, Loretta Harper, Joanna Miranda, D'Andra Royse, Kathryn Hooper, Brenda Beck, Lana Wardell, Donna Hooks, Emily Smith, Michele Laquay, and Bernadine Mejia.

**Back Row (from left):** Kelli Wallace, Seth McCloskey, Vance Hinds, Phillip Martin, Lee Auvenshine, Mike Aman, Carol Page, Ricky Sipes, Barbara Anglen, Darin Jackson, Jake Heffernan, Angela Moss, Ryan Martin, and Jeff Ward.

**Not Pictured:** Bob Allwardt, Sandy Fisher, Habon Mohamed, and Marlena Pendley

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

### WANTED FOR MURDER

Jennifer Samantha Puente



Date of Birth: August 2, 1993

Height: 5'4"

Weight: 150 pounds

Hair Color: Black

Hair: Black

Eyes: Brown

Race: Hispanic

Nationality: United States

Tattoos: "Fu\_ Everybody" on right shoulder  
"Baby John" on back of neck

If you have information about her whereabouts please contact the Ennis, Texas police department at: (972) 875-4462