



THE

Voir Dire

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

A Publication of The Ellis County & District Attorney's Office
Patrick Wilson—County & District Attorney

Volume I, Issue I

March 2013

Our Stats for 2012:

- Case filings are up 9.7% since 2010
- 3,427 new criminal cases filed
- 1,294 felonies
- 2,133 misdemeanors
- 323 felony cases per prosecutor
- 533 misdemeanor cases per prosecutor
- 2,929 cases disposed

Inside this issue:

What is This?	1
SFST Refresher Class	1
Legal Update	2
Kudos to Palmer PD and Maypearl PD	2
You Can Respond But You Can't Hide	2
Congratulations to Our Newly Certified Attorneys	3
Joke of the Day	3
Recently Disposed	3
Meet Our Staff	4
Contact Info	4

What is This?

The Voir Dire is the newsletter of the Ellis County & District Attorney's Office. The name is French. It is the legal term used for the jury selection process in the American courts system. As stated on the masthead, the phrase means, "To speak the truth."



The target audience for The Voir Dire is primarily peace officers in Ellis County, although it should be of interest to everyone. We don't yet know how frequently we will publish, but in every issue we want to provide useful information for our readers. We also want to use this as a way for our readers to get to know our office. Every issue will

include a profile on one member of the office. This month's profile is on Bernie Mejia, our victim assistance coordinator.

The Voir Dire is not just a law enforcement newsletter, because our office does much more than criminal prosecution. Did you know that we are the in-house law firm for Ellis County, a legal entity with more than 500 employees? Did you know that we represent the Texas Department of Family & Protective Services? Did you know that we facilitate relationships between the county, its cities, and third parties in promoting the growth and development of Ellis County?

Several names were considered for this newsletter, but this is

the only one that all of my attorneys agreed upon. That's no small feat! But it's an appropriate name, because we want to speak the truth to our readers by offering reliable and helpful information, delivered in a casual and entertaining format, like a conversation.

The idea for this newsletter first came to me almost two years ago. I want to thank my newest prosecutor, Vance Hinds, for finally making it a reality.

We want your feedback. If you have suggestions for future issues of The Voir Dire please email them to voir.dire@co.ellis.tx.us. We look forward to hearing from you.

- Patrick Wilson

SFST Refresher Class a Success

On Friday, February 22, 2013, The Ellis County & District Attorney's Office hosted a Standardized Field Sobriety Test recertification course that was sponsored by the Texas Department of Transportation, in coordination with the Texas Municipal Police Association.

There were 18 peace officers from various agencies throughout Ellis County that attended the training. We

would like to thank Richard Hash with the Mansfield Police Department and Zachary Beagle with the DFW Airport



Police Department who presented the 8 hours of free TCLOESE accredited training. Attendees were pre-

sented with the course materials, including a training manual and an SFST clip board to assist in DWI investigations.

We welcome the opportunity to train officers in a variety of fields. We have tentative plans for another free DWI-related training to take place on May 16, 2013. Please contact Nan Udell, Chief Misdemeanor Prosecutor, for more details at: Nan.Udell@co.ellis.tx.us

Legal Update

Blood Warrants

A search warrant for blood draw is only valid for an individual that can be found in the county of the magistrate (if the magistrate is lower than a district judge) that issued the search warrant. District Judges and higher magistrates have state wide jurisdiction. — *Sanchez v. State*

Search Warrants

A person that has left the premises subject to a search warrant and is nearly one mile away is too far away to be arrested. Detainee must be in the immediate vicinity. — *Bailey v. U.S.*

Ellis County Observer

On January 26, 2012, this office filed a Chapter 59 asset forfeiture for the domain name of elliscountyobserver.com. After a trial on April 2, 2012, the Judge found the property was used in the commission of a felony and ordered forfeiture of the property. The owner of the property, Joseph Dauben, appealed to the 10th Court of Appeals and lost the appeal. Ellis County is the first County (that we know of) to file an asset forfeiture on an intangible piece of property.

Check out the new elliscountyobserver.com.



Kudos to Palmer PD and Maypearl PD



Thank you for your use of body cameras. They provide us with extremely valuable evidence. A moving picture is truly worth a thousand words.

In DWI cases the HGN test, which is difficult to explain, can be clearly seen by a jury. Slurred speech, bloodshot

eyes, and unsteady balance are much more obvious.

In assault family violence cases fear in the eyes and the voice of the victim is vivid. If she changes her story later (which, as you know, is not uncommon), we can present the video that shows the real story. The injuries can be observed by the jury with a clearer picture than some digital still cameras.

We know these cameras can be costly, especially for smaller police departments, but they are much appreciated by our office. Thanks Palmer and Maypearl. Keep up the good work!

- Morgan Taylor, Misdemeanor Prosecutor

You Can Respond But You Can't Hide

“Why did you subpoena me? I wasn't even there...and if I was there, I didn't do anything

Oh, it was officer so and so that did that

and if I did do something, I don't remember what

Well, yeah, that is my handwriting on that evidence sheet, so I must have picked it up, and oh yeah, I did hear the defendant whisper under his

breath,

‘OMG they got me now’,.....

But do you really need **me**, deer season starts tomorrow,”

Sound familiar? If you were there, we will find out. So, why not document your part in the case file, so we will know, can subpoena you early, and if we can jockey the trial around your schedule we will certainly do so. But if we find out we need you two days

before the trial is actually scheduled, you're done - you're toast - opening day will probably be missed.

Our commitment has always been to work with officers as best we can when we know what your problems regarding trial dates are, and our judge is generally very reasonable in that regard.

But, if we don't know about the scheduling problem, well, opening day may be left to the other hunters.



Lawyers, Investigators, and Support Staff of the Ellis County and District Attorney's Office

Congratulations to Our Newly Certified Attorneys



Cindy Hellstern

Board Certified in Criminal Appellate Law
By the Texas Board of Legal Specialization

We are proud to announce and congratulate Cindy Hellstern and Mary Trost for their recent achievements and certifications. These certifications recognize each attorney's experience and special competence in their particular field of law. Their drive and pursuit of continuing education is a reflection of their quest for knowledge and justice.



Mary Trost

Certified Child Welfare Law Specialist
A National Certification by the National Association of Counsel for Children.

Joke of the Day

Several years ago in Tarrant County, an aggravated assault case where a woman was shot in the stomach during an altercation was tried to the jury. While testifying about the incident,

the following exchange occurred:

Attorney: "Please describe the incident."

Victim: "We all got into a fight."

Attorney: "Isn't it true that you were shot in the fracas?"

Victim: "No, 6 or 7 inches above the fracas."

Recently Disposed

Scott Lohman - jury verdict, **75 years** for theft of a hay bailer, theft greater than \$20,000 but less than \$100,000. Habitual offender with extensive criminal history. (10/12).

Joshua Jaggears - plea, improper relationship between educator and sexual performance of child employee, **5 year sentence.** (1/13).

Timothy Reagor - plea, aggravated sexual assault, **10 years.** (1/13).

David Sam - jury verdict, failure to register/sex offender, **5 years.** (2/13)

Blas Hernandez, Jr. - jury verdict, DWI 3rd, **life sentence to run consecutively to his prior life sentence.** He was out on parole on a life sentence for DWI 3rd when arrested. (8/12).

Joseph Dauben - jury verdict, fraudulent use of identifying info, **365 days probated for 5 yrs.**(11/12).

Andrewnette Allison - jury verdict, resisting arrest, **180 days.** (12/12).

Aaron Fedrick - plea, burglary of habitation, **15 years** and bail jumping, **10 years.** (1/13).

Ellis County & District Attorney’s Office

Meet Our Staff

We are blessed to have Bernadine “Bernie” Mejia as our victim assistance coordinator. Bernadine’s compassion and empathy for victims of crimes comes from a life long connection with the legal community. She has a long history of family ties to law enforcement. She has been a paralegal for the last 14 years. She has worn many hats in her legal career including years of service to the Dallas County Courts and years in helping clients in the private sector. Bernadine has been our victim assistance coordinator for the last three years, and we are lucky to have her. She is especially passionate about helping victims of domestic violence. Bernadine strives to give these victims a voice, to

empower them, and encourage them to keep the faith.

Bernadine assists with the following:

- ◆ Domestic Violence Protective Orders
- ◆ Mental Health Services- Commitments and White Warrants
- ◆ Victim’s Assistance
- ◆ Victim Impact Statements and Restitution Packets

Bernadine has an open door policy. She is always willing to assist in any way. If you have a question in her field please do not hesitate to contact her.



Bernadine Mejia
Victim Assistance Coordinator
 (972) 825-5046
Bernadine.Mejia@co.ellis.tx.us



The Ellis County and District Attorney’s Office is located on the fourth floor of the County’s new Courts Building. From our office we pursue our obligation under Article 2.01 of the Texas Code of Criminal Procedure, which declares, “It shall be the primary duty of all prosecuting attorneys, including

any special prosecutors, not to convict, but to see that justice is done.” In that pursuit we routinely work with almost two dozen different law enforcement agencies from across the county. We appreciate our partnership with law enforcement officers, because we know that the best and most just outcomes can occur only through mutually-beneficial, cooperative efforts.

County and District Attorney Patrick Wilson demands professionalism and the highest

standards for all those that provide public service under his supervision. Justice for all demands nothing less.

We look forward to continuing the positive relationships we have developed in the law enforcement community and developing new relationships. Please do not hesitate to contact us for any assistance you may need. By working together we can continue to make Ellis County a safe play to live, work and raise a family.