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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 III

September 2013

Cases Filed With Our Office Through August 2013

Felonies - 805

Misdemeanors - 1,329

Most Cases Filed by Agencies

1. Waxahachie P.D.
2. Ellis County S.O.
3. Ennis P.D.

What Does Justice Cost?

Remember complaining about the high cost of gas when it hit the \$3.00 mark? But we do a happy dance if we find \$3.00 gas today. It is a cost that we have accepted, and we budget accordingly.



We have no choice.

Like the price of gas, the price of criminal investigations and prosecutions has increased significantly. The increase is

most pronounced in the volume of forensic testing required in modern investigations. We do not have a choice in whether we pay that cost. We must. Justice demands it. Juries and courts will not, and should not, accept "We didn't have the budget," in response to questions about why evidence was not tested. The message must be conveyed to government budget officials that forensic testing is no longer optional. It is a requirement. Just as the business of many government operations cannot be conducted without

purchasing gasoline, the business of keeping our communities safe cannot be conducted without purchasing forensic testing. It must be accepted as a basic government expense.

Most government budget officials do not understand the business of criminal justice. Together we must educate them. The time is now. We have no choice.

—Patrick Wilson

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55 Years for the Intoxication Manslaughter of Officer Josh Williams

It took an Ellis County Jury only 15 minutes of deliberations to find Dylun Reed



Richards guilty of intoxication manslaughter of Waxahachie Police Officer Joshua Williams. Richards struck the patrol car of Officer Williams on the passenger side while Officer Williams responded to

a disturbance call shortly after midnight on July 28, 2012.

Richards had been drinking at a bar called the Twisted Frog in Waxahachie. After leaving the bar, he drove his suburban north on Hwy. 77 without his lights on, at a speed of 69 mph, colliding with Officer Williams' vehicle. The posted speed limit was 45 mph. The blood draw showed Richards' blood alcohol concentration as .218. The impact pushed Officer Williams' vehicle 88 feet. The Jury sentenced Richards to 55 years for the death of Officer Williams. Richards won't be eligible for

parole until he has served 27.5 years behind bars.



Joshua Williams was a 17 year veteran of the Waxahachie Police Department. He was 44 years old. He is survived by his wife and six children.

Legal Update

Chiarini v. State

Defendant arrested for UCW for carrying his gun in the common area of the condominium complex. The Dallas Court of Appeals reversed the conviction and acquitted the Defendant because the condominium declaration stated such areas are owned in common by all owners of individual units.

McClintock v. State

Marijuana seized as a result of a warrantless dog sniff at the back door of a home should have been suppressed. Dog sniffs around the curtilage of the home are subject to the 4th Amendment and therefore require a search warrant. Houston Court of Appeals.



Kudos To The Waxahachie Animal Control Unit

Animal cruelty cases have recently been the focus of media attention in Ellis County and have received strong verdicts by the community speaking out against such acts. These cases tend to demand more effort than normal from a prosecutorial stance due to proving criminal intent with respect to an animal that is considered a pet or economic benefit to the owner. In the most recent animal cruelty case, Waxahachie Animal Control did an exemplary job of putting together the pieces of a story involving almost 90 dogs and cats that were mistreated in a barn off of Ovilla Road.

After four days of testimony, a jury found the defendant guilty of each of nine counts of animal cruelty. The



Defendant was sentenced to one year in jail and fined \$4,000.00 for each of the nine counts. The jail sentences are

to run concurrently. The Defendant received the absolute maximum punishment allowed for these offenses.

Although these cases are often tedious and time consuming, the effort police agencies and animal control authorities put into their investigation has proven yet again to be worth it to the citizens of Ellis County. For that effort and service, our office is truly grateful.

— Seth McCloskey

Tracking Down A Wanted Sex Offending Barrister

On April 10, 2006, local attorney James Leonard pleaded guilty to aggravated sexual assault of a child, indecency with a child by contact, and indecency with a child by exposure.

Leonard received probation for 10 years on each charge. In May of 2007, Leonard, who had previously tried to establish an international adoption agency, absconded from the country. A warrant was issued for his arrest.

Investigator Bob Allwardt of the Ellis County & District Attorney's Office was tasked with finding Leonard. Working with the U.S. Marshall's Of-

fice and the F.B.I., Allwardt tracked his movements for more than four years. Leonard fled to Mexico and Central America. He flew into Mexico City, then traveled to El Salvador, then Costa Rica. He finally surfaced in Sambo Creek, Honduras. Financial records of Leonard's brother, a Houston lawyer, showed funds being funneled to Leonard in Central America.

Positive identification was made from a photo of Leonard taken at a local bar in Sambo Creek. A local contact in Honduras took the photo in the bar. Further validation of identification was obtained through local contacts in Honduras.

Arrangements were made with the Honduran government to extradite Leonard to the U.S. Leonard was asked to report to the U.S. Embassy in Honduras and was arrested upon reporting. He was extradited to Houston where Bob Allwardt had the privilege of personally delivering Leonard from Houston to the Ellis County Jail.

Leonard's probation was revoked. Judge Bob Carroll stacked the maximum sentences for all three charges: life, 20 years, and 10 years. For his hard work on the case Bob Allwardt received the Employee of the Year award from the Ellis County & District Attorney's Office.

PC Affidavits

A probable cause affidavit is a sworn statement by a law enforcement officer that describes a crime that has occurred and the facts that led the officer to the decision that the person in custody is the person who likely committed the crime. The PC affidavit is frequently used by prosecutors in court during a bond reduction hearing to establish probable cause. This avoids the prose-

cutor having to subpoena the officer to court for the hearing. If the prosecutor believes that the PC affidavit is lacking, this will likely result in the law enforcement officer being subpoenaed to court to testify about the facts that led up to the arrest of the defendant. If the Judge determines that there is insufficient evidence of probable cause, he will order the release of the defendant

without bond. Save yourself a trip to the courthouse and make sure that your affidavit contains: 1) a description of all the elements of the crime and 2) sufficient facts so that a person who has no knowledge of your investigation can figure out why the defendant was arrested for the crime.

— Lindy Tober

Available Training

The Ellis County & District Attorney's Office offers training sessions for any of our local law enforcement agencies. We will provide presentations and answer questions about the following topics, as well as any legal topics you find a need to discuss:

- ◆ Consensual Encounters, Reasonable Suspicion, & Probable Cause
- ◆ Report Writing
- ◆ Courtroom Testimony
- ◆ DWI
- ◆ Protective Orders

- ◆ CPS (when to report an incident)
- ◆ Juvenile Issues

If you are interested in any training opportunities or have any questions or requests, please contact:

Morgan Taylor at (972) 825-5035.

Quotes of the Day

Let me be clear about this. I don't have a drug problem. I have a police problem.

— Keith Richards

There's only two people in your life you should lie to... the police and your girlfriend.

— Jack Nicholson

Lawyers are the only persons in whom ignorance of the law is not punished.

— Jeremy Bentham

A lawyer will do anything to win a case, sometimes he will even tell the truth.

— Patrick Murray, American Politician

The toilets at a local police station have been stolen. Police say they have nothing to go on.

— Ronnie Barker

Make crime pay. Become a lawyer.

— Will Rogers

I busted a mirror and got 7 years bad luck, but my lawyer thinks he can get me 5.

— Stephen Wright

Lawyer: One who protects us from robbers by taking away the temptation.

— Henry Louis Mencken

Anybody who thinks talk is cheap should get some legal advice.

— Franklin P. Jones

Recently Disposed

Ron Santos, guilty of assault causing bodily injury with baseballs, **15 days + \$500 fine probated for 18 months.**

Michelle Lehman, cruelty to non-livestock animal x 9, guilty on all counts, **365 days + \$4,000.00 fine on each, concurrent.**

Ryan Mason, guilty of possession of controlled substance with intent to deliver - habitual, **68 yrs.**

Barbara Lee, probation revoked on cruelty to livestock conviction, **120 days.**

Dylyn Richards, guilty of intoxication manslaughter of a police officer, **55 yrs.**

Milton Brown, guilty of possession of controlled substance with intent to deliver x 2 - habitual , **80 yrs + 20 yrs, stacked.**

Anthony Martinez, guilty of possession of controlled substance, **550 days.**

Maria Hernandez and Ismael Moya guilty of theft, **364 days probated for 2 yrs + \$1,500 fine.**

Couple found not guilty of aggravated kidnapping and sexual assault.

Waylon Standmire, guilty of aggravated assault, **15 yrs.**

Ellis County & District Attorney's Office

Meet Our Staff

Stacey Auvenshine's passion for the protection of children is evident in her work for the Ellis County & District Attorney's Office. Stacey is the sole attorney responsible for representing Child Protective Services (CPS) in Ellis County. Stacey, the mother of four young children, zealously advocates for the safety of abused and neglected children of Ellis County.

Growing up in Missouri, Stacey's path to Texas came through Baylor Law School. After approximately 9 years of civil, family and criminal experience, Stacey found her life's calling when the Child Protective Services Attorney position opened up with our office.

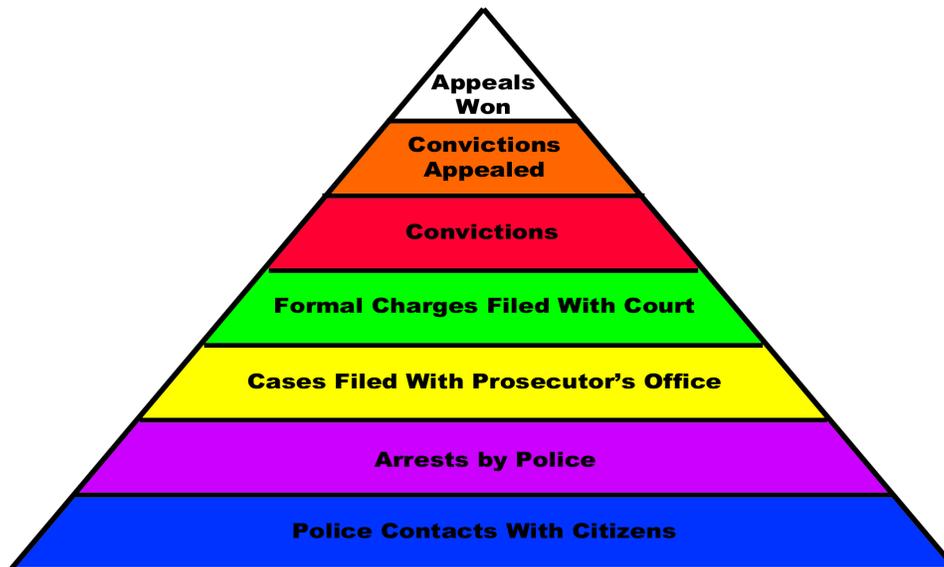
As the CPS attorney, Stacey represents the Department of Family & Protective Services when conservatorship, termination or court-ordered family based services are needed for the safety of a child. All of her cases start with a report of abuse or neglect, which is then investigated by CPS. All other safety options are ruled out or exhausted before legal action is initiated. Stacey also represents Adult Protective Services in cases involving abuse or neglect of adults.

We are extremely lucky to have Stacey Auvenshine working for the ECDAO. If you have any questions, please do not hesitate to contact her.



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The Criminal Justice Pyramid



Read another way: Not every police contact with a citizen results in an arrest. Not every arrest results in a case filed with the prosecutor. Not every case filed with the prosecutor results in charges filed in court. Not every case filed in court results in a conviction. Not every conviction is appealed. And not every appeal is successful. Ours is a system of checks and balances in which police, prosecutors, judges and juries are all invested with great discretion and disparate obligations. There is an old adage that our system is not perfect, but nobody has found a better one yet.