



THE

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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Some Numbers

Ellis County's population for 2015 is estimated at more than 161,000, which is an increase of 2% over last year.

Since the last official census, in 2010, the county's population has increased by more than 7.6%.

Through the month of May there were 485 felonies and 942 misdemeanors filed with our office, excluding hot check cases.

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Body Cameras - What's in Store?

Although they are not yet in widespread use in Ellis County,



body cameras are destined to become standard issue for police officers across

the country. That is a good thing for citizens and for police. The technology, however, is not the cure-all that some may think. Every problem solved by body cameras raises new questions.

A practical question is, "Who is going to watch all that video?" Take the recent example of a low-level misdemeanor offense that was filed with my office. Three officers were

involved, each with a patrol car camera and a body camera. A 45-minute event generated four-and-a-half hours of video evidence. The F.B.I. says that in 2012 there were more than 12 million arrests in this country. What if there is just one video for each of those arrests?

The people being arrested aren't the only ones being recorded by body cameras.

How do we protect the privacy of innocent citizens? What if they don't want to be recorded? Should the citizen even get to make that choice? Should the officer have any

discretion in choosing what to record? What if they disclose confidential information while being recorded? Should victims of crime be recorded? What about victims of domestic violence or sexual assault? What about witnesses who are afraid to come forward with information?

These are just a few of the many issues raised by body cameras. In order to create effective and practical solutions, we in the law enforcement community need to openly and proactively discuss these questions now, before it's too late.

~ Patrick Wilson



Life Sentence for Cold Case Murder

Life in prison without the possibility of parole. That was Kajlon Jamaal Carroll's sentence after being found guilty of capital murder on June 15, 2015. On August 4, 2009, the then 18-year old Carroll entered Dallas Pawn & Jewelry with the intent to burglarize the store and rob the inhabitant. In the process Carroll shot and killed the owner, Phillip Tucker. The case sat cold for four years with few or no suspects. Then, in 2013,



Kajlon Jamaal Carroll

Carroll made a mistake by admitting the crime to a coworker. Another cowork-

er overheard the admission and reported it to the Waxahachie police. With this information, DNA evidence linked Carroll to the scene of the crime. Blood on the outside of Tucker's white Nike cap matched Carroll's DNA. The hat was found behind a curtain where only employees are allowed to go. Loose lips, hard work, and forensic science brought this murderer to justice.

Legal Update

State v. Cruz

Questions about a defendant's name and phone number, asked in a custodial interview but not during the booking process, do not fall within the booking exception to Miranda. If the questions were not asked during a booking procedure or for any other administrative purpose, then the questions constitute an interrogation and require Miranda warnings.

Rodriguez v. United States

The Fourth Amendment does not allow a dog sniff conducted after

the completion of a traffic stop. Without reasonable suspicion, extending a traffic stop to conduct a dog sniff violates the Fourth Amendment. "An officer, in other words, may conduct certain unrelated checks during an otherwise lawful traffic stop . . . [but] . . . may not do so in a way that prolongs the stop, absent the reasonable suspicion ordinarily demanded to justify detaining an individual."

Murray v. State

A defendant, who was passed out behind the wheel of a running vehicle was operating the vehicle for



the purposes of DWI. The ultimate question is whether a reasonable fact-finder could find the essential elements true beyond a reasonable doubt.

New Faces - New Places



Congratulations to **Wade Goolsby**, the new Chief of the Waxahachie Police Department as of March 9, 2015.



Congratulations to **Chad Nelson**, the new Chief of the Garrett Police Department as of April 2015.



Congratulations to **Mike Moon**, who stepped down as the Chief of Police in Ovilla to become a Lieutenant at the Red Oak Police Department.

New Facilities

Two new facilities are welcome additions to the Ellis County Courts Building. Our brand-spanking-new multi-purpose room can be found just beyond the security checkpoint. No longer will the Attorney General's child support cases be heard in the halls of the Courts Building. Should the judges decide to utilize a central jury pool, the facilities are available. Jury panels could be pre-qualified in the multi-purpose room and then directed to the specific court needing a panel. The room could be used for training purposes or meetings by the County as well. This a wonderful space and a great use of County facilities by the County Judge and the Commissioners' Court.



New Multi-Purpose Room (2nd Floor) Ellis County Courts Building



Although the doors were locked from prying eyes, the new 40th Judicial District Court Room is nearing completion. On the 3rd floor, overlooking S. Jackson St., the new home of Judge Carroll's court can be found. The Ellis County Historic Courthouse is beautiful, but most parties and participants are ready for the court to be back in the modern Ellis County Courts Building. The new courtroom will be equipped with the latest in audio/visual equipment thanks to Judge Bush, the Commissioners, County Engineer Joe White, our excellent IT Department, and a financial contribution from the County & District Attorney's Office.

Ellis County Entices the Venerable Ray Rike Out of Retirement

“And/or” - In almost any context, either *and* or *or* will work on its own to give the desired meaning. A great many judges and lawyers have stated the case against it, as by calling it a “much condemned conjunctive-disjunctive crutch of sloppy thinkers.” *Raine v. Drasin*, 621 S.W.2d 895, 905 (Ky. 1981)(from Advanced Legal Drafting by Bryan A. Garner). Usage of “and/or” in legal contracts invokes the ire of Ray Rike, one of Ellis County’s newest employees. Ray retired as



Ray Rike and Jennifer Rike at his Retirement Party in Fort Worth

the Chief of the Civil Division in the Tarrant County Criminal District Attorney’s Office, after 27 years of service. He is a highly respected lecturer for the Texas District and County Attorneys Association, an authority on local government law and contracts, a word-smith, and a grammarian. Ellis County is now the envy of almost every other county in Texas. Lucky for us Ray Rike is retiring challenged and/or failed miserably at retiracy. Please make Ray feel at home; just be careful how you say it!

Joke of the Day



89 Year Old Woman Arrested for Shoplifting

An 89-year old woman was arrested for shop lifting. When she went before the judge in Cincinnati he asked her, “What did you steal?” She replied, “A can of peaches.”

The judge asked her why she had stolen the can of peaches, and she replied that she was hungry. The judge asked her how many peaches were in the can. She replied 6.

The judge said, “Then I will give you 6 days in jail.”

Before the judge could actually pronounce the punishment, the woman’s husband spoke up and asked the judge if he could say something on his wife’s behalf. The judge said, “What is it?” The husband said, “She also stole a can of peas.”

~Compliments of John Erisman, Chief, Ennis Police Department.

Have a joke? Send it to voir.dire@co.ellis.tx.us

Recently Disposed

Charles Attaway found guilty of continuous sexual abuse of a young child and sentenced to life without the possibility of parole.

Amy Reese pled guilty to the offense of murder and asked the jury for punishment. An Ellis County Jury sentenced her to life in prison.

Ronald Combs found guilty of aggravated assault with a deadly weapon and sentenced to 50 years in prison.

Roberto Costilla pled guilty to capital murder of multiple people and sentenced to prison for life without the possibility of parole.

Jonathan Michael Reyes found guilty of Theft of Property \$1,500 to \$20,000 sentenced to 2 years TDC, probated for 5 years, \$1,000 fine, \$6,187.63 in restitution, and 30 days in the county jail as a condition of probation.

Jennifer Daniels found guilty of harassment and sentenced to 180 days,

probated for 2 years, \$750 fine.

A person was acquitted on the charge of Assault/Family Violence.

Jesse Diaz was found guilty of driving while intoxicated and sentenced to 180 days, probated for 2 years, \$750 fine.



Ellis County & District Attorney's Office

Meet Our Staff

Faith, music, and a thirst for knowledge and adventure all describe Tabitha Smith. Pronounced "Tah-beeth-ah", her faith has carried her from the coast of South Africa to a growing church in the sprawling metropolis of Maypearl. Although Houston is considered home, Tabitha married her husband of 37 years and together their team has been the backbone of many an Assembly of God Church throughout Texas, as well as Mississippi. Almost every Sunday a church is graced with her husband preaching and Tabitha on the piano and singing. Tabitha's faith and thirst for adventure drove her to Durban, South Africa where she completed 2 years of missionary work. Once back in Texas, Tabitha decided to return to college after a 30 year hiatus and attended SAGU full time. Tabitha obtained her Bachelor's of Science degree in Professional Development in 2008.

In 2009, Tabitha joined the Ellis County and District Attorney's Office as a misdemeanor clerk. After 18 months, Tabitha took over the juvenile clerical responsibilities for the office and has never looked back. Being the only clerk handling juvenile matters, Tabitha is tremendously busy handling all of the juvenile cases that come through the Ellis County & District Attorney's Office each year. These cases range from class "B" misdemeanors all the way to capital murders. No other clerk in the office handles the diversity of legal matters as those involved in the juvenile system. Tabitha handles these cases from start to finish, including filing, organizing, drafting, sealing, and every other action in between. We are extremely lucky to have such an intelligent, dedicated, professional, and hard working person on our staff. And yes, she will be in church on Sunday, singing and playing the piano.



Tabitha Smith

Clerk

972-825-5035

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WANTED: ABSCONDED DURING TRIAL



DOB: 12/18/1985
Height: 6' 2"
Weight : 190

Hair Color: Black
Eyes: Light Brown
Race: Hispanic

Juan Antonio Trejo

Felony Warrants :

-Indecency with a Child by Sexual Contact with a 12 Year Old (2 Counts)

-Bail Jumping and Failure to Appear

A jury was sworn in and empaneled on May 14, 2008 for the charges that Juan Antonio Trejo committed 2 counts of the offense of indecency with a child by sexual contact. Trejo was dating a 15 year old, but climbed in a bedroom window and assaulted a 12 year old sister. Trejo did not appear on May 15, 2008 and absconded during trial. Trejo has not be re-arrested and is still on the run. Trejo has also been indicted on a felony Bail Jumping charge. Please contact the Ellis County and District Attorney's Office if you have information concerning Juan Antonio Trejo, 972-825-5035.

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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.