



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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2015 CASELOAD

Through September our office received 960 felony cases and 1,491 misdemeanor cases from the county's police agencies. Cases by major department:

Waxahachie PD -718

Midlothian PD -465

Ennis PD -441

ECSO -329

Red Oak PD -130

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The Greatness Of A Nation!

"The greatness of a nation and its moral progress can be judged by the way its animals are treated."

~ Mahatma Ghandi

One of a prosecutor's most satisfying assignments is to take legal action to rescue cruelly treated animals. "Any society, any nation, is judged on the basis of how it treats its weakest members – the last, the least, the littlest."

If a Texas peace officer has reason to believe that an animal has been or is being cruelly treated, the officer can apply to a justice court for a warrant to seize the animal. A hearing must be conducted within 10 days, as prescribed by Chapter [821](#) of the Texas Health & Safety Code.

If the court determines that the seized animal has been "tortured, seriously overworked, unreasonably abandoned, unreasonably deprived



William T. Little

of necessary food, care, or shelter, cruelly confined, or caused to fight with another animal", then that animal can be taken from its owner. In Ellis County, ownership is usually then vested either in the Ellis County SPCA or the SPCA of Texas, who work to rehabilitate the animal and place it for adoption. Working with Ellis County Sheriff's deputies and the SPCA, this office has so far this year rescued dozens of horses, hun-

dreds of birds, and nearly 90 dogs.

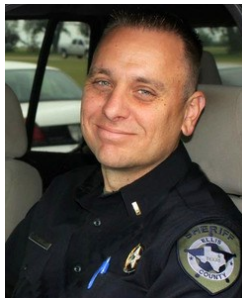
The abusive animal owner can be charged with court costs and the expenses associated with seizing and caring for the animal – which sums can be considerable. For example, in a recent case involving the seizure of birds used for cock-fighting, the court assessed nearly \$47,000.00! In certain cases, the abusive owner can also be criminally prosecuted for animal cruelty under Tex. Penal Code [§§42.09](#) and [42.092](#).

While it is always sad to encounter any instance of animal abuse, Texas law provides effective civil and criminal procedures to address and remedy these problems.

~ William T. Little

RIP Lt. Jason T. Westmoreland

Jason was born in Hubbard and graduated from Penelope High School in 1993. He went on to receive his Masters degree from Sam Houston State University in Criminal Justice Public Safety Leadership. Jason was a lieutenant at the Texas Department of Corrections and a sergeant at the Hillsboro Police Department.



Lt. Jason T. Westmoreland

December 30, 1974 - September 17, 2015

In 2001, Jason started with the Ellis County Sheriff's Department and obtained the rank of lieutenant. He retired in 2012 to become the Director of the Navarro College Police Academy. He also served as the President of the Ellis County Sheriff's Association. Ellis County lost a good one. RIP Jason.

Legal Update

[Dromgoogle v. State](#)

A police officer does not have a duty to inquire about medical conditions that would affect the suspect or the collection prior to executing a blood search warrant. The defendant bears the burden to give sufficient notice to the officer that a blood draw would create an unreasonable medical risk. A defendant cannot simply state the name for an uncommon medical condition and indicate that it is associated with fainting—outside the context of a blood draw and without mentioning how it might create a risk of harm in connection with the blood draw. ([Read Opinion](#))

[Solomon v. State](#)

This case addressed when it is permissible for police to alter a suspect's photo to remove distinguishing tattoos before a photo spread. The court found that removing facial tattoos from the defendant's photo to create a better photo array was permissible and may even have been beneficial to the defendant. Additionally, there is no distinction between digitally adding tattoos to other people's photos and removing them from the defendant's photo. ([Read Opinion](#))



Police Beat

Dennis Brearley Named Director of Adult Community Supervision and Corrections Department -



A man of many hats, Dennis Brearley has worked at the Waxahachie Police Department, the Ellis County Attorney's Office, the Ellis County Sheriff's Office (retiring as Chief Dep-

uty), and now begins a new career as Director of the Ellis County Adult Community Supervision and Corrections Department. His tenure and experience with the various entities in the Ellis County criminal justice system is beyond reproach. His support for the position of director from both sides of the bar and law enforcement speaks volumes. Ellis County is lucky to have Dennis Brearley. Godspeed on his new venture.

Ovilla Names New Police Chief -



Ovilla named Brian Windham Chief of Police. Chief Windham took over the reigns of Ovilla P.D. on September 1, after 23 years of service with the DeSoto Police Department. Congratulations Chief Windham, and welcome to Ellis County.

The New 40th Is Open For Business



Great technology and a great view, the 40th Judicial District Court has officially moved into its new home!

School Notifications Required Upon Juvenile Arrest

Article [15.27](#) of the Code of Criminal Procedure requires a law enforcement agency that arrests or refers a child to the juvenile system to orally notify the superintendent or a person designated by the superintendent in the school district in which the student is enrolled within 24 hours of the arrest or referral. A person may substitute electronic notification for oral notification. Within 7 days after the date the oral notice is given, the law enforcement agency shall mail written notification to the superintendent or person designated by the superintendent.

This article only applies to **ANY** felony and the following misdemeanors:

- (1) an offense under Section [20.02](#), [21.08](#), [22.01](#), [22.05](#), [22.07](#), or [71.02](#), Penal Code;
- (2) the unlawful use, sale, or possession of a controlled substance, drug paraphernalia, or marihuana, as defined by Chapter [481](#), Health and Safety Code; or
- (3) the unlawful possession of any of the weapons or devices listed in Sections [46.01\(1\)-\(14\)](#) or [\(16\)](#), Penal Code, or a weapon listed as a prohib-

ited weapon under Section [46.05](#), Penal Code.

Unless the schools are properly notified they cannot initiate their disciplinary or removal procedures against the juvenile. Failure to follow this procedure could result in students who have been victimized by the juvenile to not be properly protected. Furthermore, juveniles charged with serious crimes may remain in the general student population longer than they should.



~ Jason Allen
Juvenile Prosecutor

Joke of the Day

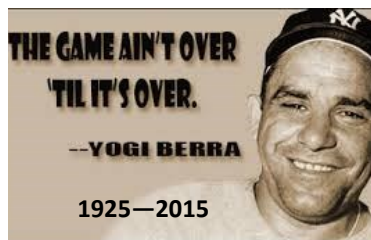
When you come to a fork in the road, take it.

You can observe a lot by just watching.

You better cut the pizza in four pieces because I'm not hungry enough to eat six.

It's like déjà vu all over again.

The future ain't what it used to be.



Pair up in threes.

All pitchers are liars or crybabies.

I don't know (if they were men or women fans running naked across the

field). They had bags over their heads.

I'm not going to buy my kids an encyclopedia. Let them walk to school like I did.

The towels were so thick there I could hardly close my suitcase.

No one goes there nowadays, it's too crowded.

A nickel ain't worth a dime anymore.
~ Yogi Berra

Recently Disposed

Kajlon Carroll found **guilty** of **capital murder** and sentenced to **life** without the possibility of parole.

Tom Flores, Jr. plead **guilty** to **continuous sexual abuse of a child** and sentenced to **30 years** without the possibility of parole.

Jason Craddock found **guilty** of **driving with license invalid** and sentenced to **90 days**.

Cody Easterling found **guilty** of **DWI** and sentenced to **180 days** probated for 2 years.

Juan Ochoa found **guilty** of **evading arrest** and **POM**, and sentenced to **365 days** and **180 days**, respectively.

Martha Richter found **guilty** of **DWI** and sentenced to **180 days** probated for 2 years.

Wesley Rogers found **guilty** of **DWI**, and sentenced to **180 days** probated for 2 years, plus weekend in jail.

Robert Morgan found **guilty** of **Theft 500-1500**, and sentenced to **120 days**.

Victor Gamez Nino found **guilty** of **DWI** and sentenced to **180 days** probated for 2 years.

Wendi Larkin found **guilty** of **making a false report** and sentenced to **365 days** probated for 1 year.

A person found **not guilty** of **resisting arrest**.

Two people found **not guilty** of **DWI**.

A person found **not guilty** of **theft**.

Brightton Sims' probation **revoked** for **evading arrest with a vehicle** and sentenced to **650 days** state jail.

Ellis County & District Attorney's Office

Meet Our Staff

Discipline comes to mind when describing Russell Jones. From his youth as a Marine brat growing up on Camp Pendleton, to years of bodybuilding, or to maintaining the grades to be accepted to the University of Texas or to Loyola Law School, discipline has played a large part of Russell's life. After living the Marine lifestyle until the age of 10, Russell finally settled down in North Texas. Graduating from Frisco and attending the University of Texas, Russell graduated with a double major: psychology and kinesiology. While at UT he competed in four natural bodybuilding contests where the competitors were subjected to drug tests and polygraphs. These included the Texas Shredder and the Alamo Showdown natural bodybuilding competitions. In his first competition, Russell took third in the novice division for his weight/build class. At the next competition he placed second in the overall

division. Russell won the overall competitions at the Austin tournament and at the San Antonio tournament. The overall competition included competing against the winners of the other weight/build classes. In other words, Russell won the last two tournaments in which he competed. Bodybuilding has taken a back seat to the practice of law since graduating Loyola Law School in New Orleans. Russell hung a shingle for about a year before accepting employment with the Ellis County DA's office. His duties include handling over 500 misdemeanor cases a year as well as handling the protective orders. Russell remains in court most of everyday where he is comfortable being in the spotlight. From his acting debut as a child in an America's Most Wanted episode at the age of 6, to competing on the bodybuilding stage, to arguing in front of a jury, Russell's discipline and hard work shines.



Russell Jones
Misdemeanor Prosecutor
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WANTED FOR AGGRAVATED SEXUAL ASSAULT OF A CHILD

Ramiro Rodriguez

Felony Warrants :

- Five counts of aggravated sexual assault of a child younger than 14 years of age.
- Bail jumping and failure to appear.

DOB: 7/31/1980

Hair Color: Black

Height: 5' 5"

Eyes: Brown

If you have information call the Ellis County & District Attorney's Office

(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.