



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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BY THE NUMBERS

- More than 34 million live Christmas trees are sold in the U.S. each year.
- More than \$1.2 billion is annually spent on live Christmas trees.
- The average Christmas tree grows for 7 years before it is cut.
- There are 350 million Christmas trees currently growing on farms.

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Thanks for the Memories, Sandy!

In December 1994, Sandy Fisher was hired by then-County & District Attorney Joe F. Grubbs to, in Sandy's words, pay some bills and make some deposits. My, how things change!

After 22 years as our office manager, Sandy is retiring. Words cannot express how important Sandy has been to everything we do in this office.

As I told the crowd at her retirement party, Sandy has long been the center pole of our circus tent. If Sandy ever left, we all believed the place would practically fall down. We are about to put those words to the test.

It is not easy to step into the role of overseeing an office as large and complex as ours, especially with only two



Sandy Fisher with DA Patrick Wilson (l) and the man who first hired her, former DA Judge Joe F. Grubbs (r)

weeks' notice, as I first did in 2011. I am forever grateful to Sandy for the help and guidance she gave me then, and which she continued to give me almost every day since.

While I am sad to see Sandy go, I am also happy to see her move into the next phase of life. She used to fret that she didn't want to retire and become someone who just sits around all day. I always

scoffed at the idea. She's beginning to realize that she will still be quite busy even in retirement. Sandy has a close-knit family that is spread around the globe. She is active in her church and enjoys travelling with her husband, Tom. She also plans to reinvigorate some longtime hobbies, such as painting.

As this office, like Sandy, moves into a new phase, we are glad to know that she will still be just a phone call away. But I fully expect that as time goes by our calls for help will become fewer and farther between. That is for Sandy's own good as much as ours. She deserves to enjoy her life to the fullest. I wish her all the happiness in the world!

- Patrick Wilson

Our Everyday is Their Worst

In this holiday season it is time to reflect on the past year, be grateful for the blessings we have, and look forward to a new year. We in the law enforcement, legal, and local government arenas serve a public in probably their worst of times. From domestic disputes, child custody, parental termination, victims of violent crimes, victims of sex offenses, mental commitments, victims of property crimes, public safety issues, civil disputes, emergency situations, traumat-

ic injuries, loss of loved ones, loss of liberty, loss of property, and loss of just about anything else you can think of and some you can't, our daily routine deals with a public that is more than likely in a crisis mode and feels like their whole world is crashing down on them. Our service starts from the first contact with a law enforcement officer and continues through every step of the legal process: jailers, court staff, judges, prosecutors, clerks and so on. The

public's feeling of crisis mode never subsides. Most ultimately experience the finality of a court's decision. Their contact with the legal system and experiences are solely our responsibility. Ellis County is blessed to have such professional and caring public servants who rise to the challenges each day brings. We wish you all a Merry Christmas, and hope you all have a Prosperous and Happy New Year. And remember, not everyone can be loved like a fireman!

Legal Update

U.S. v. Turner

Is scanning the magnetic stripe on the back of a gift card a search under the Fourth Amendment? No. During an investigation regarding stolen gift cards, the police officer lawfully seized over 100 cards and attempted to scan the magnetic stripe on each, which the defendant claimed was a separate search that violated the Fourth Amendment. The Court found no separate privacy interest in the information stored on a gift card because it is not personal information, but commercial

information, intended to be accessed and used by third parties (i.e., a retailer).

Chambers v. State (6th COA)

Does the term “breast” in the Indecency with a Child statute, Penal Code §21.11, apply to children who have not yet developed adult breasts? Yes. A plain reading of the statute makes clear that it is intended to criminalize touching a prepubescent child’s breasts with the intent to “arouse or gratify.”



Police Beat

Midlothian – One of the 50 Safest Cities in Texas

For the second year in a row, Midlothian ranks as one of the 50 safest cities in the State of Texas. Midlothian moved from the 45th to the 44th spot in 2016 with violent crimes per 1000 at 1.38 and property crimes per 1000 at 16.81. The list is compiled from the most recent FBI Crime Report statis-



tics and only includes cities with populations in excess of 10,000. Congratulations to Midlothian and the Midlothian Police Department. To see the complete list of safe cities, please follow the link below:

[2016 Texas Top 50 Safest Cities](#)

Excerpts from Sovereign Citizen Movement Page of the Southern Poverty Law

“The strange subculture of the sovereign citizens movement, whose adherents hold truly bizarre, complex antigovernment beliefs, has been growing at a fast pace since the late 2000s. Sovereigns believe that they — not judges, juries, law enforcement or elected officials — get to decide which laws to obey and which to ignore, and they don’t think they should have to pay taxes. Sovereigns are clogging up the courts with indecipherable filings and when cornered, many of them lash out in rage, frustration and, in the most extreme cases, acts of deadly violence, usually directed against government officials. In May 2010, for

example, a father-son team of sovereigns murdered two police officers with an assault rifle when they were pulled over on the interstate while traveling through West Memphis, Ark...”

“...The weapon of choice for sovereign citizens is paper. A simple traffic violation or pet-licensing case can end up provoking dozens of court filings containing hundreds of pages of pseudo-legal nonsense. For example, a sovereign was involved in 2010 in a protracted legal battle over having to pay a dog-licensing fee. She filed 10 sovereign documents in court over a two-month period and

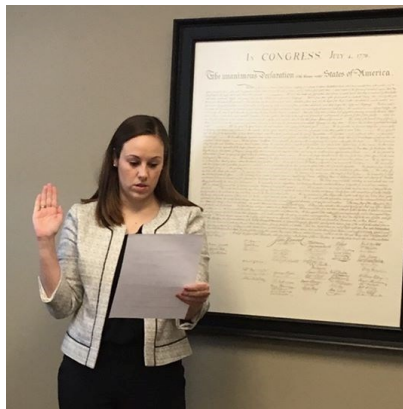
then declared victory when the harried prosecutor decided to drop the case. The battle was fought over a three-year dog license that in Pinellas County, Fla., where the sovereign lives, costs just \$20. Tax cases are even worse. Sovereign filings in such legal battles can quickly exceed a thousand pages. While a normal criminal case docket might have 60 or 70 entries, many involving sovereigns have as many as 1,200. The courts are struggling to keep up, and judges, prosecutors and public defenders are being swamped.”

For more info visit their website:
www.splcenter.org

Happenings at the DA's Office



Stacey Auvenshine
Attorney of the Year



Alyssa Chavez
New Misdemeanor Prosecutor



Phillip J. Martin
Trial Prep Room

Jokes of the Day

Why does Santa have 3 gardens?

So he can ho-ho-ho.

Why was Santa's little helper depressed?

Because he had low elf esteem.

How much did Santa pay for his sleigh?

Nothing, it was on the house!

What do you get when you cross an archer with a gift-wrapper?

Ribbon hood.

What did Adam say on the day before Christmas?

"It's Christmas, Eve!"

What do you get if you cross mistletoe and a duck?

A Christmas Quacker.

What do you get when you combine a Christmas tree with an iPad?

A pineapple!

What do snowmen eat for breakfast?

Ice Crispies.

What do call Santa when he stops moving?

Santa Pause!

Recently Disposed

David Williams found guilty of DWI Second and Accident Involving Injury Greater than \$200 and sentenced to 2 days in the county jail and \$500 fine.

Vincent Dutton found guilty of DWI and sentenced to 220 days probated for 2 years and a \$1,500 fine.

A **person** was found not guilty of Violation of a Protective Order.

Curtis Diggs found guilty of Indecent Exposure and sentenced to 180

days probated for 1 year and a \$750 fine.

A **juvenile** plead true to 4 counts of Aggravated Sexual Assault of a Child and 7 counts of Indecency with a Child and received 10 years of probation, non-public registration and placement at a residential treatment facility.

Gregory Arredondo pleaded to Possession with Intent to Deliver and received 28 years.

Roberty Fivecoat pleaded to Possession with Intent to Deliver and received 20 years.

Michael Macias pleaded to Possession with Intent to Deliver and received 30 years.

A **person** was found not guilty of Assault/Family Violence by Impeding Breath.



Ellis County & District Attorney's Office

Meet Our Staff

As the first new office manager for the Ellis County and District Attorneys' Office in twenty-two years, Kelli Wallace is stepping into some very big shoes. The ECDAO is the largest law firm in Ellis County, with eighteen attorneys and twenty-five support staff. One person oversees all of the day-to-day requirements for these forty-three people. Kelli's duties include keeping the office supplied, monitoring the phone usage, maintaining the equipment, managing everyone's licensing, making travel and payment arrangements for continuing education, coordinating witness appearances, supporting the elected county and district attorney, handling the bookkeeping for the hot checks division, preparing the budget, overseeing the hiring and firing of employees, completing all of the forms and documentation required, and so on. The job is part purchasing, part accounts payable, part auditor, part human resource director, part supervisor, and parts of many other hats. Kelli started her employment with the office as the bail bond board and bail bond forfeiture legal assistant. She then left the office to complete her Bachelor's of Science Degree from Texas A&M University in Sociology. Kelli accomplished this goal after a twenty-eight year hiatus from Texas A&M and her first attempt at college. Patrick was able to recruit her straight from graduation and back to the office to take the helm of the office manager position. We are extremely lucky to have such an intelligent and motivated person taking over the reins of our establishment. We believe the shoes will be full for a long time to come.



Kelli Wallace
Office Manager
972-825-5035
kelli.wallace@co.ellis.tx.us

MERRY CHRISTMAS FROM THE ELLIS COUNTY AND DISTRICT ATTORNEY'S OFFICE



TO SUBSCRIBE TO *THE VOIR DIRE* - EMAIL US AT

VOIR.DIRE@CO.ELLIS.TX.US

109 S. Jackson • Fourth Floor • Waxahachie • Texas • 75165 • Phone: (972) 825-5035 • Fax: (972) 825-5047

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