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Voir Dire

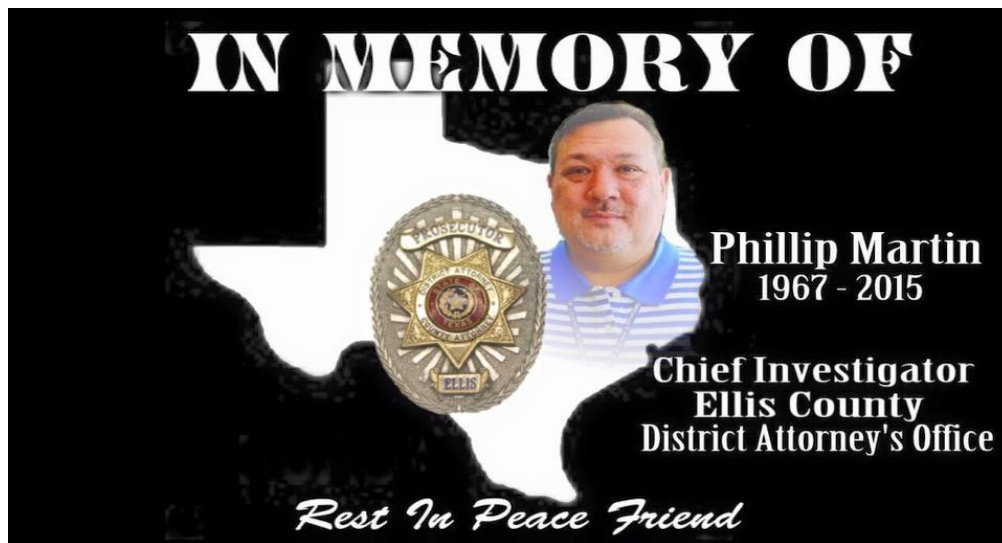
Voir dire - "To speak the truth." Black's Law Dictionary

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

Volume III, Issue IV

Winter 2015

A Good Man



With sad hearts we publish this memorial to our friend, Phillip Martin. For 25 years Phillip was a rock in the Ellis County and District Attorney's Office. His tenure spanned the last three District Attorneys: Patrick Wilson, Joe Grubbs, and Mary Lou Shipley. He also worked with a myriad of prosecutors, attorneys, law enforcement officers, judges, clerks, detention officers, county employees, support staff and others in the criminal justice and law enforcement systems. Phillip touched every major case in Ellis County in the last 25 years. His professionalism, dedication, humor, and compassion will be sorely missed.

Phillip was born in Seoul, South Korea. His mother was Korean and his father was an

American service man. Phillip quickly found his life's calling and followed his father into law enforcement. Phillip graduated from Texas A&M Commerce with a Bachelor's Degree in Criminal Justice. He earned a Master Peace Officer's License from TCOLE as well as a myriad of other qualifications and accomplishments. Phillip was a proud member of the Free & Associated Masons. He earned the degree of Master Mason with the Zavala Masonic Lodge and became a member of the Red Oak Masonic Lodge. He was also a member of the Hella Shrine in Garland, Texas. Phillip is survived by both his parents, his brother and sister, and two step-sons that he raised as his own.

We never know the path of our journey or when it will end. All we know is that it will. My father always said that death is the price we pay to live. It is a steep price, especially for those left behind, but live Phillip did. In all things, Phillip acted with honor, compassion, humility, humor, and commitment.

Patrick Wilson, in his eulogy for Phillip, said that the greatest compliment a person can ever give to a man to is to simply say he is a good man. On December 17, 2015, we lost Phillip Martin. We will miss our friend. He was a good man.

- Vance Hinds

Legal Update

[Williams v. State](#) (14th COA)

When the quantity of a controlled substance is so small that it cannot be measured, there must be additional evidence to show the defendant knowingly possessed the substance. Visible residue, signs of intoxication, or recent use of the substance are all methods by which the State can show knowing possession. [Read](#)

[State v. Rodriguez](#) (11th COA)

Police were not authorized to search a college dorm room where contraband was found, without a warrant or consent. Although representatives of the university had authority to enter and search the dorm room, they did not have the authority to grant police access to the room after contraband was discovered. [Read](#).



A Prosecutor's Required Removal Duty

We have all heard it. "Someone ought to do something about that public official, he is a fool." However, the State of Texas takes a dim view of personal efforts to remove an elected local official from his position. Only the State of Texas may remove a local official after a finding of truth by a jury. Who represents the State of Texas in a removal action? The default answer is the County Attorney if the local official is not the County Attorney. But what if the subject of the removal action is the only officer authorized by statute to represent the State of Texas in the removal?

Texas has many types of prosecuting attorneys. Criminal District Attorneys prosecute both felony and misdemeanor cases. Additionally, they have specific duties to represent the state and their county in civil proceedings.



Ray Rike

County Attorneys with felony responsibility are quite similar to Criminal District Attorneys but do not have specific statutory duties to represent the county in civil proceedings. These two types of offices share one important feature – they are the only public county lawyer in their respective counties.

Other counties have split offices – a District Attorney who handles felonies and a County Attorney who handles misdemeanors and civil representation as specified by the Texas legislature. This is not uniform across the state, for example, the Harris County District Attorney handles all criminal prosecutions, while the Harris County Attorney handles all civil cases.

If a county has only one public county lawyer and that lawyer becomes the subject of their own removal action, the lawyer can't remove their self. The legislature decided the issue. An adjoining County Attorney selected by the County Commissioners Court must join the removal action for it to proceed. It is an early step in an uncommon and arduous process.

~Ray Rike

Police Beat



Waxahachie Daily Light's Photo of Chief Marlin Suell swearing in.

Maypearl Hires New Police Chief
Martin Suell, a twenty-six year career law enforcement officer, took over the reins of the Maypearl Police Department. Chief Suell began his career with the Smith County Sheriff's Office in Tyler. He also served as

Chief Deputy in both Dallas and Harris County Sheriff's Offices. Chief Suell holds a Masters in Bachelors Administration and is a Master Peace Officer. Chief Suell has also received the Governor's Medal of Valor.

ECDAO Attorney and Employee of the Year



Attorney of the Year
Lindy Tober Beaty

The coveted 2015 Attorney and Employee of the Year Award Winners have been determined. After a grueling selection process and months of competition, the field was narrowed down to two winners. Each of these winners represent the best of their class. Lindy Tober Beaty won the 2015 Attorney of the Year Award. She worked tirelessly as the chief of both the misdemeanor and felony divisions. Jeff Ward won the 2015 Employee of the Year Award for his hard work and dedication. He was instrumental in the apprehension of a wanted out-of-state fugitive. Good job and congratulations!



Employee of the Year
Jeff Ward

Jokes of the Day

What do you call a kid who doesn't believe in Santa? A rebel without a Claus.

What do you call an elf who sings? A wrapper!

What do you call Santa's helpers? Subordinate clauses.

What do you call Santa living at the South Pole? A lost clause.

What do you call people who are afraid of Santa Claus? Claustrophobic.

What do you call a frog hanging from a ceiling? Mistletoad.

What do you call a singing elf with sideburns? Elfis.

Who delivers Christmas presents to dogs? Santa paws!

Who delivers Christmas presents to cats? Santa claws!
Why was the ornament addicted to Christmas? He was hooked on trees his whole life.

Where does Santa keep his money? a snow bank.

What do you call a blind reindeer?. I have no eye deer.

What do you call a broke santa? Saint-Nickel-Less!

Why did Frosty the Snowman want a divorce? Because he thought his wife was a flake.

(source: <http://www.jokes4us.com/holidayjokes/christmasjokes/christmasjokes.html>)

Recently Disposed

Daniel Hinojosa found **guilty** of **continuous sexual abuse of a child** and sentenced to **75 years**.

William Anderson found **guilty** of **continuous sexual abuse of a child** and sentenced to **50 years**.

Gilberto Davila found **guilty** of three charges: **aggravated sexual assault of a child x 2** and **indecent with child**, and sentenced to **20 years**.

Harvey Searcy found **guilty** of **assault of a public servant** and sentenced to **20 years**.

A person was found **not guilty** to the offense of **driving while intoxicated**.

A person was found **not guilty** of **assault causing bodily injury/family violence**.



Ellis County & District Attorney's Office

Meet Our Staff

In the end, we will remember
not the words of our enemies,
but the silence of our friends.

~ Martin Luther King Jr.



Phillip Martin
1967-2015



We wish you a Merry Christmas!

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We wish you a Merry Christmas!

And a Happy New Year!

The Ellis County and District Attorney's Office



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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.