



THE *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 IV, Issue I

Spring 2016

2015 CASELOAD vs. WORKLOAD

With more than 1,400 misdemeanors and almost 2,200 felonies filed by various police agencies, our caseload for 2015 was relatively flat compared to 2014. But, with the influx of digital technologies, the amount of work required for every case continues to rise. In every case there's just a lot more "stuff" than there used to be.

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Officer's Testimony Protects Kids

In addition to lawsuits involving child custody and termination of parental rights, law enforcement officers may be requested to testify in proceedings filed by the Texas Department of Family and Protective Services (TDFPS) called "court ordered services". These proceedings do not involve the removal of a child from the home and do not change child custody or parental rights. The goals of these proceedings are family unification and child protection.

Upon a determination that a child is suffering from the effects of abuse or neglect, TDFPS may request the court to order the child's caregivers to participate in safety services provided by TDFPS. During this time, the child could remain in the home or be placed in a short-term voluntary alter-



Stacey Auvenshine

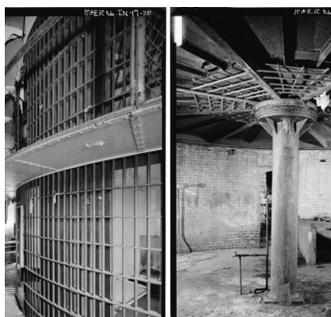
nate placement. The court ordered services may include counseling, drug testing, substance abuse treatment, psychological examination, parenting classes, anger management and compliance with a safety plan developed by TDFPS. When a caregiver refuses to complete safety services voluntarily, TDFPS will pursue an order from the court ordering the caregivers

to participate in the services. The family could be ordered to participate in a Family Based Safety Services program ("FBSS") from ninety days to six months. In the event a parent does not comply with the Court's orders, additional legal steps may be taken, including removal of the child from the home or termination of parental rights. Law enforcement officers may be called to testify to their involvement with a family even when a criminal offense was not committed. This testimony is necessary to preserve families and protect children through the use of court ordered services.

~ Stacey Auvenshine

(Stacey Auvenshine handles all TDFPS matters for the Ellis County and District Attorney's Office)

Ellis County's Rotary Jail (1888 - 1929)



Photos from Montgomery County's Rotary Jail in Crawfordsville, Indiana based on the same patented design.

On the cutting edge in 1888, Ellis County built a rotary jail to house their inmates. One door accessed all of the cells on the rotary. To enter or exit a cell, the whole rotary jail floor had to be turned so that the cell to be accessed was facing the single door. "The object of our invention," the designer wrote in their patent application, "is to produce a

jail or prison in which prisoners can be controlled without the necessity of personal contact between them and the jailer or guard ... This arrangement makes the whole prison as convenient to the keeper as though it consisted of but a single cell, and as safe as if it contained but a single prisoner." It is estimated that only (Continued on page 2)

Legal Update

US v. Weast

Was it a Fourth Amendment violation for police to use peer-to-peer sharing software without a warrant to identify the defendant’s computer IP address and download data he publicly shared? No. Because this information is voluntarily shared with third parties, including the internet-service provider and the peer-to-peer network users, there is no expectation of privacy.

Koch v. State

Did the detention of a DWI suspect in the back of a police car rise to the level of a custodial arrest,

thus requiring Miranda warnings? No. The defendant was found in a vehicle that had crashed into a fence and light post on the side of the road. After attempting to leave the scene, he was handcuffed and placed in the back of the patrol car to wait for a specialized DWI officer while other officers investigated the crash, and he was specifically told he was not under arrest and was only being detained. The defendant was held in the car for 14 minutes and driven to a nearby parking lot before being questioned. The court found that due to the wreck and the specific statement that the defendant was not



under arrest, this was a proper detention and did not rise to the level of a custodial arrest; thus, the defendant’s statements were admissible even though Miranda warnings had not been given.

Police Beat

Midlothian PD DWI-Related Arrests

2013(68) / 2014(98) / 2015(103)

With over 146 miles of city maintained roadways, and 31 miles of state highway, intoxicated driving enforcement continues to be a priority for the patrol division. The department has a zero tolerance stance on intoxicated driving offenses and has been a “No-Refusal” city for over a decade.



Ferris Hired New Police Chief

Eddie Salazar was appointed Chief of Ferris PD on 10/22/2015. He

has worked for city and county law enforcement agencies in Texas, including Ennis PD, and South Carolina. Salazar spent 6 years as an investigator for the Dallas DA’s office. He also takes great pride in his service in the U.S. Marine Corps, where he was stationed in countries around the world.



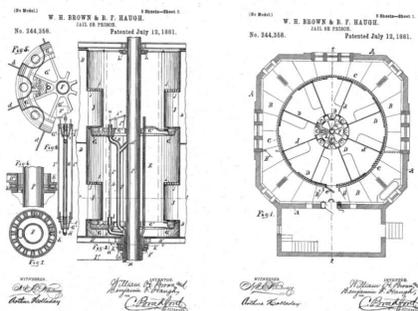
New Director of Juvenile Services

Chatrinia Johnson was appointed Chief Juvenile probation officer for

Ellis County. Chief Johnson has worked for the Ellis County Juvenile Services for 21 years and knows the department inside and out. Her past titles included Juvenile Probation Officer, Senior Field Officer, and Deputy Chief. Congratulations to Chief Johnson on the promotion.

Ellis County’s Rotary Jail (1888-1929) (cont.)

6 to 18 of these jails were ever built. The jail consisted of twenty 4 ft. by 8 ft. cells which accommodated 2 prisoners each. The solitary confinement and death cells were in the basement. A cylinder contained a group of 10 cells. The outer walls were stationary jail bars with only one opening. The cylinder turned to provide access to the single door. The entire yard was enclosed by a fence of iron bars. The building now contains the law firm of Wray, Willett, & Stoffer.



W. H. Brown & B. F. Haugh
Jail or Prison
No. 244,358, Patented July 12, 2882



Wray, Willett & Stoffer
200 N. Rogers Street
Waxahachie, Texas 75165

New Faces in the DA's Office



Larry Grice
Investigator
25+ Year Midlothian Police Officer



Samantha Vickery
Juvenile Prosecutor
Prior Orange County Prosecutor and Lone Star Legal Aid Attorney



Nicole Crain
Chief Misdemeanor Prosecutor
Prior Tarrant and Hill County Prosecutor

Quotes of the Day

“You never really understand a person until you consider things from his point of view... Until you climb inside of his skin and walk around in it.”

“Until I feared I would lose it, I never loved to read. One does not love breathing.”

“I wanted you to see what real courage is, instead of getting the idea that courage is a man with a gun in his hand. It's when you know you're licked before you begin, but you begin anyway and see it through no matter what.”
- Atticus Finch”

“People generally see what they look for, and hear what they listen for.”



**Goodbye Miss Harper Lee.
Thanks for defining
our profession.**

“I think there's just one kind of folks. Folks.”

“I was born good but had grown progressively worse every year.”
-Scout

“We're paying the highest tribute you can pay a man. We trust him to do right. It's that simple.”

“You just hold your head high and keep those fists down. No matter what anybody says to you, don't you let 'em get your goat. Try fightin' with your head for a change.”
-Atticus Finch

“Mockingbirds don't do one thing but make music for us to enjoy. They don't eat up people's gardens, don't nest in corncribs, they don't do one thing but sing their hearts out for us. That's why it's a sin to kill a mockingbird.”

“Miss Jean Louise, stand up. Your father's passin'.”

~We Stand for Miss Lee

Recently Disposed

William Anderson convicted of continuous sexual abuse of a child and sentenced to 50 years.

Craig Stevens pled guilty to 4 cases (88 counts) of possession of child pornography and sentenced to 10 years on each case to run consecutively.

Merari Castan convicted of DWI and DWLI and received 6 months, probated for 2 years and \$1,250.00 fine.

Person found not guilty of assault family violence.

Person found not guilty of reckless driving.

Jhony Rodriguez convicted of DWI and sentenced to 90 days, probated for 2 years and \$500.00 fine.

Person found not guilty of murder.

Alvaro Munoz convicted of DWI 2nd and Interference with a 911 call. He was sentenced to 250 days and 365 days, probated for 2 years.

Ellis County & District Attorney's Office

Meet Our Staff

Backbone, heart and soul, and foundation are terms often used to describe an organization's essential or indispensable person. These adjectives are insufficient to describe Sandy Fisher's role in the day to day operation of the Ellis County and District Attorney's Office. Ms. Fisher was hired by Joe Grubbs twenty (20) years ago to manage a District Attorney's Office that was half the size of the current office. During this time the office has grown, the responsibilities have grown, the governmental oversight and reporting have grown, and the accounting and budgetary duties have grown. Through 20 years of change and growth, Sandy has been the only constant. She manages 42 employees and keeps them supplied with the tools needed to perform their duties. She is Patrick Wilson's executive assistant in all things. Everything in the DA's Office is touched by Sandy Fisher.

Sandy's journey began with a passion for art, which included pursuing an art degree in college. Painting emerged as Sandy's artistic medium of choice. Soon after college, her lifelong profession was pushed upon her. With stints at Blue Cross, LTV, Ely Co., and Dawson & Associates, each employer exploited her sense of detail and order by placing her in the bookkeeping, accounting, and statistics departments. Use of her office knowledge and skills culminated with the officer manager job at the DA's office. Sandy is very active in her church. She taught Sunday School for 40 years, as well as played hand bells and sang in the choir for 20 years. Sandy alleges that she is retiring at the end of this year. This will create a huge hole in the DA's Office that will be extremely difficult to fill. Sandy wants to commit to her love of painting, among many other things. Don't let this year end with out getting to know our "heart and soul", Sandy Fisher.



Sandy Fisher
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"Being a prosecutor. The great joy of being a prosecutor is that you don't take whatever case walks in the door. You evaluate the case, you make your best judgment, [and] you only go forward if you believe that the defendant is guilty. You may well be wrong, but you have done your best to ensure that as far as the evidence that you are able to attain, the person is guilty. It is the kind of even-handed balancing that a judge should undertake (although, of course, a judge has the advantage of having somebody speak for the other side). I think there is no greater job anybody can have than having been a prosecutor."

—Judge Merrick Garland, current nominee for the U.S. Supreme Court

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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.