



# 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

According to a report published in March 2016 by North Central Texas Council of Governments, the estimated population of Ellis County is now 168,296.

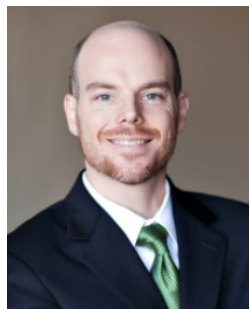
Through the first six months of this year, our felony case load is projected to increase by 13% over last year, while the misdemeanor case load is flat compared to last year.

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## What is Justice?

A few months ago I spoke to a class of the Red Oak Police Department's Citizens Police Academy. At the end of my talk I explained to the group the overarching principle that guides all criminal justice-related decisions in my office. That principle is found in Article 2.01 of the Texas Code of Criminal Procedure, which states, "It shall be the primary duty of all prosecuting attorneys . . . not to convict, but to see that justice is done." Some people say that it is the job of a prosecutor to seek justice. The mistake in that statement, as explained by a colleague of mine, is that it is not the job of a prosecutor to chase justice. It is the job of a prosecutor to catch justice; a lofty ideal, indeed. After sharing this with the group, I opened the floor



Patrick M. Wilson

for questions. A woman on the front row asked me, "What's your conviction rate?" Without hesitating I replied, "I don't know."

As I explained to the class at the Red Oak Police Department, I do not believe that keeping track of a conviction rate is consistent with my obligation to see that justice is done. When someone asks about a conviction rate, what

they really want to know is the win/loss record. Wins and losses provide great, objective measures of success for competitive endeavors such as sports. Justice, however, is not so easily quantified.

The overwhelming majority of people charged with a criminal offense are convicted. So, in that sense, the conviction rate for any prosecutors' office will be quite high. If needed, I can run a computer report to get that specific number for my office or for any individual prosecutor. But my office's conviction rate has never been my primary concern. My greatest, and increasingly grave, concern is having sufficient manpower to execute our obligation to see that justice is done. ([cont. on page 2](#))

## Breaking the Cycle of Abuse

When a law enforcement officer determines that a child lives in a home where domestic violence has occurred, that information is reported by law enforcement to CPS in order to protect the child affected by domestic violence. Children exposed to domestic violence can suffer physically, psycho-

logically, and emotionally. They are at risk of being physically injured, but they also learn lessons that that no child should learn. They learn to keep secrets. They learn to manipulate others and act aggressively. Worst of all, they learn that it is okay for the people who love you to hurt you.

CPS provides services to help families and children affected by domestic violence. Working together to identify affected children and provide services, law enforcement and CPS help families break the cycle of domestic violence.

~ Stacey Auwenshine

## Legal Update

### [Utah v. Strieff](#)

The U.S. Supreme Court has held that the “attenuation doctrine” may permit the admission of evidence that was discovered after the arrest of an individual who was initially stopped without reasonable suspicion if that person is determined during the stop to have an outstanding warrant.

The Court applied the three attenuation factors previously set out in *Brown v. Illinois*. While the first factor—temporal proximity—weighed against admission of the evidence, the existence of the warrant provided an intervening circumstance that

avored the State.

In the Utah case, the third factor—purpose and flagrancy of the official misconduct—also weighed in favor of the State. The officer making the stop was not conducting a “suspicionless fishing expedition” but was attempting to gather evidence about suspected drug activity in a house. The officer “was at most negligent, but his errors in judgment hardly rise to a purposeful or flagrant violation” of the suspect’s Fourth Amendment rights.

Thus, it is important to note that the case of *Utah v. Strieff* does



not excuse dragnet searches or “whim” searches, which may be found to be flagrant official misconduct that would lead to suppression of the evidence even in the presence of an outstanding warrant.

## Police Beat

### **Dorinda Lizette Clark**

Dorinda Lizette Freeman Clark, 54 of Waxahachie, Texas (formerly of Lampasas) passed away Friday, July 08, 2016 at the T. Boone Pickens Cancer Center in Dallas, Texas. Dorinda was born May 24, 1962, in Fort Ord, California. She lived in Killeen, for several years while her father was in the U.S. Army, working as a Military Police and

in C.I.D. She graduated in 1980 from Lampasas High School. Dorinda followed in her Father’s footsteps and became a Police Officer. She worked as a dispatcher, jailer and Police Officer in Harker Heights, Copperas Cove, Lancaster and Ennis. From patrol to detective, she always felt she could make a difference, one life at a time. Police work was her life. In Lieu



of Flowers, the family asks for Donations be made to the Leukemia & Lymphoma Cancer Society in Dorinda’s name.

## What is Justice? (cont.)

Justice, like beauty, is often in the eye of the beholder. A beautiful work of art in the eye of one person is a worthless piece of junk in the eye of another. Maybe justice is aggressively prosecuting someone for committing a heinous crime. Maybe justice is giving a second chance to someone who just made a mistake. Maybe justice is helping a victim get on with their life as soon as possible. Maybe justice is doing nothing at all. Maybe justice, like art, is popular. Or maybe justice, like art, is widely reviled. One’s perspective changes with

the facts and with one’s relationship to the facts.

In an adversarial criminal justice system, it is a guarantee that not everyone will be happy with the outcome. My job is to see that justice is done. I take that obligation to heart. Detractors may dismiss that as hokey. They will point to examples of what they consider injustice caused by others in my profession or to outcomes of cases – locally and across the country - with which they disagree. I have no control over any prosecutor’s

office other than my own. Someone will disagree with almost any outcome.

My profession has informed my faith, and my faith has informed my profession. “Follow justice and justice alone, so that you may live and possess the land the lord your God is giving you.” Deuteronomy 16:20. I have yet to discover an infallible human endeavor. There has been only one perfect man. The fact that we cannot achieve an ideal does not mean we should not try. Every day in my office we do our best to see that justice is done.

## New Faces in the DA's Office

The Ellis County and District Attorneys' Office is proud to announce the hiring of Nicole Dempsey. Nicole handles misdemeanor prosecutions as well as mental commitments. She comes to us by way of Hood County, where she worked as an Assistant County Attorney for three years. Prior to that, Nicole was an adult probation officer in Denton County for almost seven years. While working full time as a probation officer, Nicole went to law school at night at



Nicole Dempsey

Texas A&M University School of Law, formerly known as Texas Wesleyan School of Law. Nicole comes by her passion for law enforcement honestly, her grandfather was a patrol officer for the Fourth District in Cleveland, Ohio from 1948 through 1977. We are excited to have Nicole working with us. If you see her in the Courthouse, welcome her to Ellis County.

## Ellis County's New Election Facility



The completion of the New Ellis County Election Facility at 204 E. Jefferson was one of Joe White's last acts as County Engineer. Built in an old blacksmith shop, many materials were recycled and used in the construction. The Elections Dept. should move into the new location in the next few weeks.



## Jokes of the Day

Probably the worst thing you can hear when you're wearing a bikini is "Good for you!" @ElizaBayne

A hotel minibar allows you to see into the future and find out what a can of Pepsi will cost in 2020. Comedian Rich Hall

This summer, I'm going to go to the beach and bury metal objects that say "Get a life" on them. Demetri Martin

A doctor was vacationing at the seashore with his family. Suddenly, he spotted a fin sticking up in the water and fainted. "Darling, it was just a shark," said his wife when he came to. "You've got to stop imagining that there are lawyers everywhere."

On a rural road a state trooper pulled this farmer over and said: "Sir, do -

you realize your wife fell out of the car several miles back?" To which the farmer replied: "Thank God, I thought I had gone deaf!"

I wanna hang a map of the world in my house. Then I'm gonna put pins into all the locations that I've traveled to. But first, I'm gonna have to travel to the top two corners of the map so it won't fall down.

## Recently Disposed

**Chance McClain** sentenced to 2 years TDCJ on one burglary of a habitation and 10 years probated for ten years on a second burglary of a habitation, with restitution of \$14,637.39.

**Sam Felder** sentenced to 20 years TDCJ for assault/family violence by occlusion.

**Kristi Barrett** sentenced to 8 years TDCJ for DWI third or more.



# Ellis County & District Attorney's Office

## Meet Our Staff

We are all acutely aware of the demands that the Michael Morton Act has placed on our valuable and limited resources; but no one as much as Carol Page, our Felony Discovery Clerk. With approximately 2,200 felonies pending at any moment in time, Carol prepares each and every discovery packet produced to the defendant or their attorney. That means going through every file, copying every document, disk or other item of evidence, and creating a discovery log for delivery to the defense. The numbers involved are staggering for one person, but when you factor in the amount of documents and evidence in some cases such as murder, it becomes mind boggling. Calling Carol Page busy is like calling Moby Dick a minnow. She is a life saver to the Ellis County and District Attorneys' Office and is in desperate need of help. Carol attacks her job every day with her head down and smile on her face. A life long resident of Texas and the Dallas-Fort Area. She grew up in the Southeast Dallas suburbs and spent most of her life in Red Oak. She has worked in the legal field for more than twenty years and has managed multiple law firms. She is hard working, dedicated, and committed. Her quick wit and intelligence are obvious in friendly banter. It is hard to find her in the Courthouse though, because she is always in her cubicle copying and typing. If you are able to catch her, challenge her wit at your own peril. Ellis County is extremely lucky to have such a wonderful, hard-working employee such as Carol Page.



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Felony Discovery Clerk  
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## LADY JUSTICE

The Allegorical Personification of the Moral Force in Judicial Systems

**Blindfold:**

The blindfold represents objectivity, in that justice is or should be meted out objectively, without fear or favor, regardless of money, wealth, fame, power, or identity; blind justice and impartiality.

**Scales:**

Balance scales represent the weighing of evidence. When taken with the blindfold, the symbolism is that evidence must be weighed on its own merit.

**Sword:**

The sword represents punishment.

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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.*