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THE WITNESS: I'll be back in town Monday.

THE COURT: You can go. We'll see you.

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(Whereupon a short recess was had.

THE COURT: All right. I want the record to reflect that all the parties are present, including Mrs. Breiton, who was here yesterday. And Mrs. Breiton is accompanied by her attorney, Mr. Ray Black.

Is that correct, Mr. Black?

MR. BLACK: Yes, sir.

THE COURT: Now, Mrs. Breiton, you are still under oath. Do you have any other -- are there any other questions? Does the Defense have any other questions of Mrs. Breiton?

MR. HUNT: I don't believe we have.

THE COURT: Does the State have any other questions of Mrs. Breiton?

CATHERINE BREITON

recalled as a witness on behalf of the Defendant, and having been previously sworn, testified further as follows, to-wit:

RECCROSS EXAMINATION

BY MR. BUTLER:

Q Mrs. Breiton, you indicated yesterday at the close of

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the hearing that you wished to terminate the hearing at that point and confer with your attorney; is that correct?

A I needed to talk to an attorney, I felt.

Q And have you now had an opportunity to do that?

A Yes, sir.

Q And is he present here with you today?

A Yes, sir.

Q Have you had an opportunity to confer with him today concerning the matters that occurred yesterday?

A Yes.

Q Is there anything about your testimony today that you would like to make the Court aware of at this time?

A Yes. I went to see him this morning because I didn't tell the truth. I lied. And I can't live with it any more. And I went to talk to him and tell him that I had lied and that I feel really awful about it.

Q All right. Would you explain to the Court, please, ma'am, what it was that you testified to yesterday that was not the truth.

A None of it was the truth. I made it all up because I was mad at Ronnie. He had been giving us so much trouble for a long time, and I just made it all up. I lied.

Q So what you are saying is all of the testimony that you

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gave yesterday to this Court and in this hearing concerning seeing him on the morning after the killings, concerning the bloody clothes, concerning the knife -- all of that was not the truth?

A It was not the truth.

Q Now, at any time did anyone put any pressure on you to tell us a story like that?

A No. Nobody did. I did it myself.

Q Has anybody put any pressure on you to change that story? Since you were here yesterday and any time today has anyone pressured you in any way?

A No. I just feel it's gone too far. And now I'm really afraid, and I just have to tell the truth that I did lie about all of it.

Q Did you say you were really afraid? What are you afraid of?

A Well, I feel bad myself because I did this thing. And I told my husband this morning that I lied.

MR. BLACK: Can I ask a couple of questions?

MR. BUTLER: Please.

EXAMINATION

BY MR. BLACK:

Q You and I conferred this morning, did we not?

A Yes.

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Q And you explained to me that you had originally fabricated this story because you were mad at your stepson?

A Yes, sir.

Q Then in the course of the investigation, several people came to you -- several people subsequently came to you and asked about the story, and you continued to tell the same story?

A Yeah.

Q When he asked about the pressure, you felt the pressure to continue to tell the story; is that correct?

A Yeah. Because I told so many people, and I couldn't -- I felt like I couldn't back out.

Q Okay. Your conversation with me this morning indicated that you were essentially between a rock and a hard spot here. You had fabricated the story. You felt like you had to continue to fabricate the story; is that correct?

A That's true.

Q Now you want to tell the truth, and you asked my advice.

A Yes.

Q And my advice to you was you should come and tell the truth to the Court; is that correct?

A Yes. I was afraid that because I lied that I -- I didn't know what would happen to me because I did this bad thing. And that's why I wanted to talk to somebody, you know, an

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attorney.

MR. BLACK: Okay.

MR. HUNT: We have some additional questions,
Your Honor.

THE COURT: Let me ask her one or two questions
before --

Did anybody contact you from the D.A.'s Office
or from the Defense after you left here yesterday?

THE WITNESS: No, sir.

THE COURT: All right. That's the only ques-
tion I wanted to ask.

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REDIRECT EXAMINATION

BY MR. HUNT:

Q Mrs. Breiton, obviously you know what my concern is.
When is the first time that you told this story to
anyone?

A The first time --

MR. BLACK: Excuse me.

(Whereupon the witness and Mr. Black
(had a discussion out of the hearing
(of the Reporter.

THE WITNESS: I think the first time was I told
an attorney.

Q Okay. Who was that attorney?

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2 A I don't know his first name. Luce.

3 Q Derrel Luce?

4 A Yeah.

5 Q Can you recall approximately the date you first told that
6 story?

7 A (Shaking head.)

8 Q How long after the lake murders did you do that?

9 A I really, really don't know.

10 Q Can you give me an approximation? Was it a day after?
11 A month after? A week after?

12 A I really don't remember.

13 Q Do you recall whether it was in 1982?

14 A I don't.

15 Q Okay. How many people have you told that story to?

16 A I talked to the detectives who came out.

17 Q Police detectives?

18 A Well, no. I have their names.

19 Q Okay. If you have got them, that's fine.

20 A I think I do. I don't have my glasses. I can't read it.

21 MR. BLACK: If I may, she has the card of Leon
22 Chaney here she just handed to me. And this is the card
23 of Detective Marvin Hrton of the Waco Police Department.
24 The card of J. Pat Wilson, Counterpoint Corporation,
25 Private Investigator.

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Anybody else?

THE WITNESS: Uh-uh.

BY MR. HUNT:

Q Mrs. Breiton, have you told anybody other than those people this story?

A I don't think so.

Q Okay. When is the first time you told that to Lieutenant Horton?

A I don't remember dates and times.

Q Was it after you had told Derrel Luce or before?

A Yeah. I think it was after.

Q Do you remember what the occasion was that you happened to tell that to Lieutenant Horton?

A He came to the house to see me.

Q Did he say why he came to see you?

A Yeah. He came to ask me about these things.

Q So he apparently knew that before he came to talk to you?

A I guess so.

Q Did you tell him the same story that you told to us yesterday in Chambers?

A (Nodding head.)

Q I'm sorry. Answer outloud.

A Yes, I told him.

Q Then was the next person either Pat or Kay, or Pat and

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Kay Wilson?

A Yeah.

Q And did you tell them the same story?

A Yes.

Q Okay. Sometime -- I'm sorry.

A And then Leon.

Q Did you tell Leon Chaney after you told that story to Pat and Kay Wilson?

A Yes, sir.

Q Okay. Now, exactly who did you -- who were you afraid were going to be angry at you if they found out you were telling that and it wasn't true?

A Well, it didn't really occur to me anybody was going to be angry. I just felt that I made this bad thing up and it's a lie, and I felt sick about it. And it is getting out of hand.

Q Would you explain to the Court why you would tell Derrel Luce a story like that because you were mad at Ronnie?

A Well, it's kind of -- Ronnie had occasion to know Mr. Luce because he had a trial going with him on some insurance money. And at the time I said it, I was so mad at Ronnie I just thought that maybe somebody would talk to him, and it would scare him, and he would go away and just leave us alone.

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Q Somebody like who? Derrel Luce?

A Well, yeah.

Q You thought Derrel Luce would talk to him and scare him?

A Because Ronnie was living in his house, or rent house, and he would have an opportunity maybe to say something to him, but he didn't.

Q Why did you tell the story to Lieutenant Horton?

A Well, I had already said it. And I guess they already knew. And they asked me, and I just kept saying it.

Q If you can recall, how long afterwards did you tell that story to Lieutenant Horton?

A I don't know.

Q Okay. Did it seem like a long time, if you can remember?

A I just can't. I don't know.

Q And again, when you first told the story to Pat and Kay Wilson, is your testimony to the Court today that you were only doing that in order to -- because you were embarrassed about having lied?

A Yes. I kept saying it because I already told it. And I -- I got caught in it, and I couldn't back out. I just kept saying it.

Q Were you afraid that Pat and Kay Wilson were going to think ill of you?

A Like I said, I just kept on saying it because I had

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already started saying it, you know. My husband -- I thought he was going to hate me if I told him I lied.

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Q How does your husband feel about your having told the story you did yesterday?

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A He thinks it's pretty rotten.

7

Q Of whom?

8

A Me.

9

Q Why?

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A That's a terrible thing I did.

11

Q How would your husband feel if the story were true?

12

A I don't know.

13

Q He would be pleased?

14

A I can't speak for how he would feel.

15

Q And your testimony is that you are here today, and you are telling the truth, and it's not because you were bullied or anything like that?

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A No, I wasn't.

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Q You're saying you're not changing your story because you don't want to get Ronnie in trouble?

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A No.

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Q And you are not changing your story in order to keep your husband from being angry for turning in his son?

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A No. I want to tell the truth because I made it up. It's horrible, and I want it out and out that I lied.

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Q You realize if you are in fact not telling the truth now, there is a boy liable to die because of it?

A I'm telling the truth now.

MR. HUNT: That's all the questions we have, Your Honor.

THE COURT: Does anybody have any other questions?

MR. BUTLER: Nothing from the State, Judge.

THE COURT: Ma'am, has anybody forced you or threatened you or promised you anything or done anything on God's green earth to cause you to change your testimony?

THE WITNESS: No. No, sir. I m telling you the truth. I made it up.

THE COURT: You made it all up?

THE WITNESS: I made it all up. The whole thing.

THE COURT: Any other questions?

MR. HUNT: No, sir.

THE COURT: All right.

MR. FEAZELL: Your Honor, the State would move the Court keep its order in force concerning people harassing Mrs. Breiton.

MR. HUNT: Your Honor, we would join with that.

1 We don't think she should be harassed by anybody.

2 MR. FEAZELL: Or contacted by investigators by
3 the State or the D.A.'s Office to try to get her to
4 change her testimony.

5 THE COURT: I'm going to try to keep that same
6 order in effect. I don't want anybody from the State or
7 Defense contacting you, Mrs. Breiton. I'm not going to
8 release you from the subpoena. I'm going to keep you
9 under the subpoena. I'm going to instruct you that you
10 are not to leave town or in any way not make yourself
11 available if in fact it becomes necessary for you to
12 again be called as a witness in this case.

13 Now, you have your attorney, Mr. Black. I
14 assume that if for any reason I need you back at the
15 Courthouse, I can contact Mr. Black, your attorney; Mr.
16 Black can contact you so that you can immediately bring
17 yourself back before the Court; is that correct?

18 THE WITNESS: Yes, sir.

19 THE COURT: All right. Do you understand, Mrs.
20 Breiton, that you're not to leave town, or you are not to
21 in any way make yourself unavailable to the Court if it
22 becomes necessary that you again appear to testify?

23 THE WITNESS: (Nodding head.)

24 THE COURT: And, Ray, you're not going to be
25 going out of town or anything the first of the week, are

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you?

MR. BLACK: No, sir.

THE COURT: You'll be around so that I can call you or contact you in reference to this lady being back before the Court?

MR. BLACK: Yes, sir.

THE COURT: Would you explain to her -- and you understand, Mrs. Breiton, that you are under a subpoena and under a court order to make yourself available, that I am not releasing you from that subpoena, and if it is necessary, that I can contact your attorney or contact you, that I can directly, to require that you come back to the Courthouse. Do you understand?

THE WITNESS: (Nodding head.)

THE COURT: And do you further understand if you did not come, I would issue an attachment to have the Sheriff come out and pick you up and bring you bodily before the Court?

THE WITNESS: Yes, sir.

THE COURT: With that understanding, I'm going to excuse you from the Courthouse. You can leave and go back home today. And if it becomes necessary that we recall you, I will contact your attorney or contact you directly.

THE WITNESS: Okay.

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MR. BLACK: Thank you, Your Honor.

MR. HUNT: Thank you, Judge.

THE COURT: You may go, Mrs. Breiton.

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MR. FEAZELL: Your Honor, before bringing in the next witness, there is something I would like to take up.

In addition to Mrs. Breiton not being contacted by the State or Defense, we would also move that the Court order that the Defense not seek any legal action against Mrs. Breiton through Judge Gassaway or any other judge or any police officer for any kind of perjury or filing a false report.

MR. BUTLER: Or any investigator or any dentist from California.

MR. FEAZELL: That too.

THE COURT: Let me say this. In reference to this case, I consider that this case is in trial in this court, I consider that I have jurisdiction of this case. I consider that as the Judge presiding in this court that I will continue to have jurisdiction, and I intend for all parties to file any matters that they have in reference to this case with -- in reference to the case on trial with this court.

Is there any other matters that --

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