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MR. BUTLER: We have nothing further from this witness, Judge. May she be excused?

THE COURT: Any objection, gentlemen?

MR. VANCE: As long as she remains under the rule, we have no objection.

THE COURT: All right.

(Witness excused.)

MR. BUTLER: At this time, Your Honor, we call Gloria Montgomery.

G L O R I A M O N T G O M E R Y, called as a witness on behalf of the State, having been duly sworn, testified as follows:

DIRECT EXAMINATION

QUESTIONS BY MR. BUTLER:

Q For the record, would you state your name?

A Gloria Jean Montgomery.

Q And now, you are going to have to speak up, Ms. Montgomery, so that everybody in the jury can hear your testimony.

A Okay.

Q Would you spell your name for the Court Reporter, please?

A Gloria, G-l-o-r-i-a, Jean, J-e-a-n, Montgomery,

1 M-o-n-t-g-o-m-e-r-y.

2 Q Ms. Montgomery, where do you live?

3 A In Waxahachie.

4 Q How long have you lived there?

5 A Seven -- eight years.

6 Q Did you know a person by the name of Jill Montgomery?

7 A Yes, sir.

8 Q All right, what was your relationship to her, if

9 any?

10 A Sister-in-law.

11 Q And you are married to her brother?

12 A Yes.

13 Q Is that right?

14 A Yes, sir.

15 Q How long have you been married?

16 A Four years.

17 Q Let me show you what is in evidence as State's

18 Exhibit 44 and ask if you can identify that,

19 please?

20 A Yes.

21 Q All right, what is it?

22 A A bracelet.

23 Q All right, the entire exhibit?

24 A Okay, Jill and --

25 Q What is it a picture of?

2 1 A Jill with her arm around a -- some kind of a dog.

2 Q Does that accurately depict the way she appeared
3 in the summer of 1982 shortly before her death?

4 A Yes, sir.

5 Q All right, now, directing your attention,
6 specifically, to that bracelet that she is wearing
7 in the picture, did you ever see Jill wear a
8 bracelet like that?

9 A Yes, sir.

10 Q All right, if you would, tell this jury where and
11 when you saw Jill wearing a bracelet that looked
12 like that.

13 A She was -- I took her back to Waco the time just
14 before she -- the last time before she moved to
15 Waxahachie, and I saw her wearing the bracelet.

16 At that time, sometime while she was at our
17 house, I borrowed the bracelet and gave back the
18 bracelet when I took her home to Waco in her room.

19 Q All right. Now, when you say she moved back to
20 Waxahachie, are you talking about when she ceased
21 living in Waco and moved back to Waxahachie,
22 approximately, two weeks before her death?

23 A Yes, sir.

24 Q And how long before that time was it that you brought
25 her back to Waco? How long before she moved to

1 Waxahachie?

2 A About, approximately, a month.

3 Q All right, and that was the time that you had

4 borrowed her bracelet and that you had seen her

5 wearing it that you had returned it to her on that

6 trip, approximately, a month before she moved back

7 to Waxahachie?

8 A That is correct.

9 Q And it was approximately two weeks after that that

10 she was killed?

11 A Correct.

12 Q So what you are talking about is a time frame of,

13 approximately, six weeks before her death, you saw

14 her with the bracelet like that?

15 A Yes, sir.

16 Q And in fact, you borrowed it from her?

17 A Yes, sir, I did.

18 (Whereupon an instrument was marked

19 (for identification as State's

20 (Exhibit No. 46.

21 Q Let me show you what has been marked for identification

22 purposes as State's Exhibit 46 and ask if you can

23 identify that, please?

24 A Yes.

25 Q Okay, what is it?

A It is a gold chain bracelet with two strings.

1 Q All right, is that bracelet familiar to you?

2 A Yes, sir.

3 Q In what way?

4 A It is exactly like the bracelet that Jill wore and
5 that I borrowed.

6 Q Have you ever seen another bracelet like that?

7 A No, sir, I haven't.

8 MR. BUTLER: Your Honor, at
9 this time, we would offer what has been marked for
10 identification purposes as State's Exhibit 46 into
11 evidence.

12 MR. REAVES: Your Honor, may
13 we take the witness on Voir Dire?

14 THE COURT: Yes, sir.

15 VOIR DIRE EXAMINATION

16 QUESTIONS BY MR. REAVES:

17 Q Ms. Montgomery, you say this is like the bracelet
18 that you borrowed from Jill?

19 A Yes.

20 Q Does this bracelet have any individual markings
21 on it which would identify this bracelet as
22 exactly that one?

23 A No markings.

24 Q So you can't say today that this is the bracelet
25 that you borrowed from your sister-in-law?

205
1 A It is exactly like it.

2 Q But you can't -- there is nothing about this bracelet
3 that would -- that indicates to you that this is the
4 one?

5 A No.

6 Q As opposed to some other bracelet that is like it?

7 A Other than it is just a two-strand bracelet and is
8 the only one I have ever seen.

9 Q Okay, you are not in the jewelry business.

10 A No.

11 MR. REAVES: Your Honor, again,
12 we would object. We don't feel this is proper
13 rebuttal testimony. This bracelet has not been
14 connected up to this case.

15 She can't identify this bracelet
16 as being the one that her sister wore -- only similar
17 to it and lastly, we would again object that the
18 death of Jill Montgomery is not what we are being
19 tried here -- what is being tried here. It is the
20 death of Kenneth Franks, and that is an extraneous
21 offense.

22 MR. BUTLER: Again, Your Honor,
23 we will be able to tie it up.

24 THE COURT: All right, objection
25 overruled. It will be admitted.

36
1 (State's Exhibit No. 46 was then
2 (admitted into evidence.

3 DIRECT EXAMINATION (RESUMED)

4 QUESTIONS BY MR. BUTLER:

5 Q Do you know where Jill got that bracelet?

6 A Yes.

7 Q Where did she get it?

8 A Kirby Crow.

9 Q Do you know if she got any other jewelry from
10 Kirby Crow?

11 A No, I don't.

12 Q Let me show you what has been introduced as State's
13 Exhibit 45. Can you identify that?

14 A It is a gold chain necklace with a heart on it.

15 Q All right, do you notice any similarities between
16 State's Exhibit 45 and State's Exhibit 46?

17 A They are both gold, and the chains are exactly
18 alike.

19 MR. BUTLER: Okay, we would
20 pass the witness, Your Honor.

21 CROSS EXAMINATION

22 QUESTIONS BY MR. REAVES:

23 Q Ms. Montgomery, did you see your sister-in-law,
24 Jill Montgomery, on the day of July 13, 1982?

25 A No, I didn't.

1 Q So you do not have any knowledge of what she was
2 wearing either in the way of jewelry or clothing
3 on that day.

4 A No.

5 MR. REAVES: No further questions,
6 Your Honor.

7 MR. BUTLER: We have no further
8 questions of this witness, Your Honor.

9 THE COURT: May Ms. Montgomery be
10 finally excused, gentlemen?

11 MR. VANCE: We have no objections.

12 THE COURT: Thank you,
13 Ms. Montgomery. You are finally excused.

14 (Witness excused.)

15 MR. BUTLER: We call Willie
16 Tompkins.

17 W I L L I E T O M P K I N S, called as a
18 witness on behalf of the State, having been duly
19 sworn, testified as follows:

20 DIRECT EXAMINATION

21 QUESTIONS BY MR. BUTLER:

22 Q Would you state your name for the record and spell
23 it for the Court Reporter, please?

24 A Willie Edward Tompkins, T-o-m-p-k-i-n-s.

25 Q How are you employed, Mr. Tompkins?