

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?

8

1 A McLennan County District Attorney's Office.

2 Q And in what capacity?

3 A Investigator.

4 Q How long have you been so employed?

5 A Almost two years.

6 Q Now, Mr. Tompkins, directing your attention back

7 to the summer of 1984 and more specifically the

8 month of July 1984, did you have an occasion to go

9 to Koehne Park?

10 A Yes, sir, I did.

11 Q All right, what was your reason for going there?

12 A Going to look for some evidence.

13 Q Who did you go with?

14 A Truman Simons.

15 Q Do you recall what part of the month of July 1984

16 that it was?

17 A It was about mid July.

18 Q Now, was there any particular area of Koehne Park

19 where the two of you went?

20 A Yes, sir.

21 Q All right, directing your attention, Mr. Tompkins,

22 to State's Exhibit 39, does that depict the area

23 of Koehne Park where you and Mr. Simons went to

24 look for evidence?

25 A Yes, sir.

1 Q All right, and what, if anything, did you do when
2 you arrived at that location?
3 A Well, we began to scratch in the leaves and search
4 for the evidence that we were looking for.
5 Q What was your reason for going to that particular
6 location in Koehne Park?
7 A It was -- I was told by Mr. Simons that this was the
8 suspected place --
9 MR. REAVES: We are going to
10 object to what was told to him. That is hearsay.
11 THE COURT: Sustained.
12 Q Do you know whether or not there was a reason for
13 going to that specific place?
14 A Yes, sir.
15 Q Was that as a result of information that he received?
16 A Yes, sir, we had information.
17 Q All right. Now, directing your attention,
18 Mr. Tompkins -- if you would, approach this poster.
19 Directing your attention to this crooked tree, in
20 relation to that, did the two of you have an occasion
21 to look for evidence?
22 A Yes, sir, we did.
23 Q All right, and where in relation to this crooked
24 tree did you look?
25 A We looked in the -- around in this vicinity.

1 Q All right, would it be the vicinity here that you
2 have indicated that is outlined with a chalk square?
3 A Yes, sir, in that vicinity right there.
4 Q All right, was that chalk square on the ground, at
5 that time?
6 A No, sir.
7 Q You may resume your seat, please. Did you find
8 anything in that -- before you -- before you answer
9 that, Mr. Tompkins, would you describe for the jury
10 how the ground was at the time you were out there?
11 What was the makeup of the surface of the ground,
12 at that time?
13 A It was thickly covered with leaves.
14 Q And this was in July of 1984?
15 A Yes, sir.
16 Q Now, did anything happen when you were looking
17 through the leaves or scratching, as you call it,
18 at that location?
19 A Yes, sir.
20 Q What was that?
21 A I came across two cosmetic bottles.
22 (Whereupon an instrument was
23 (marked for identification as
(State's Exhibit No. 47.
24 Q All right, I will show you what has been marked
25 for identification purposes as State's Exhibit 47.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

And for identification and the record,
Your Honor, these two bottles are placed in a
plastic bag. We are not offering the bag. We are
offering the two exhibits.

THE COURT: All right.

Q Let me ask you if you can identify those, please?

A These appear to be the two bottles that I found at
that location.

Q All right, how did you find them?

A When I was scratching in the leaves, I came across
them, you know, under the leaves.

Q What did you do with them after you found them?

A I showed them to Truman Simons.

Q And then what happened?

A He came over to where I was and began to scratch
about the same area that I was scratching.

Q What happened to the two bottles after that?

A We brought them back to the office and put them
with the file's evidence.

Q And they have been in the possession of the
District Attorney's Office since that time?

A Yes, sir.

MR. BUTLER: Your Honor, at
this time, we would offer what has been marked
for identification purposes as State's Exhibit 47,

1 being the two small cosmetic bottles.

2 MR. REAVES: Your Honor, we are
3 going to object to this. It hasn't been tied into
4 anything in this case.

5 There hasn't been any testimony
6 about cosmetic bottles. It hasn't been shown how
7 this is relevant to anything in this case other than
8 the fact that he found them out there.

9 MR. BUTLER: Judge, I believe, it
10 will all tie in.

11 THE COURT: All right, if you
12 are going to be able to tie it in, objection
13 overruled. It will be admitted.

14 (State's Exhibit No. 47 was
15 (then admitted into evidence.

16 Q Did you find anything else at that time, Mr. Tompkins?

17 A I did not find anything personally.

18 Q All right, did you observe anything being found?

19 A Yes, sir.

20 Q As a result of finding those two bottles, did you
21 concentrate your efforts in that area?

22 A Yes, we did.

23 Q All right, and did you observe anything being found?

24 A Yes, sir.

25 Q What was that?

1 A It was a bracelet.

2 Q All right, when was it found?

3 A Shortly after I showed Truman Simons what I had

4 found and he began scratching in the same area and

5 came up with the bracelet.

6 Q And in relation to the area you identified in this

7 photograph outlined by a white square, was it in

8 that particular area?

9 A In that same area there, yes, sir.

10 Q How far from where you found those two cosmetic

11 bottles?

12 A Not very far. Basically, just a little ways over

13 under the leaves.

14 Q All right. Now, let me show you State's Exhibit 46

15 and ask if you can identify that?

16 A Yes, sir.

17 Q What is it?

18 A It is a double chain bracelet.

19 Q All right.

20 A A gold bracelet.

21 Q Have you ever seen that bracelet before?

22 A The time when we found it out there.

23 Q All right, and at the time you found it, what did

24 you do with it?

25 A Brought it back to the office and put it with the --

1 Q And has that remained in the care, custody and
2 control of the District Attorney's Office ever since?

3 A Yes, sir.

4 Q Have you ever seen another bracelet like that?

5 A No, sir, I haven't.

6 MR. BUTLER: We would pass the
7 witness, Your Honor.

8 CROSS EXAMINATION

9 QUESTIONS BY MR. REAVES:

10 Q Mr. Tompkins, are you a jeweler?

11 A No, I am not.

12 Q Now, when you went out to Koehne Park, you went out
13 there in July of 1984. Is that correct?

14 A Yes, sir.

15 Q Okay, your understanding of Koehne Park is that is
16 a park that is frequented by quite a few people?

17 A Yes, sir.

18 Q You lived in McLennan County quite a few years,
19 haven't you?

20 A Yes, sir, I have.

21 Q And you are familiar with that area?

22 A Yes, I am.

23 Q And in July of 1984 was almost two years to the
24 day after the murder -- after the Lake Waco murders --
25 after the murders that we are concerned with in this