Grievance Against John Jackson

Submitted: July 25, 2014

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GRIEVANCE AGAINST JOHN JACKSON

Just before Christmas, on December 23, 1991, in Corsicana, Texas, Cameron Todd Willingham's three daughters (Amber, Karmon, and Kameron, all under the age of 3) died when the Willingham home caught fire. Willingham escaped, but was unable to save his girls. His wife Stacy had left for work earlier in the day. After analysis of the fire debris by State Fire Marshal Manuel Vasquez and Assistant Corsicana Fire Chief Douglas Fogg, Willingham was indicted for capital murder by arson. John Jackson was the lead prosecutor and obtained a conviction and a death sentence in August of 1992—only eight months after the fire. As Jackson told the jury in closing argument, there were two pillars to the prosecution's case, the testimony of the fire marshals and Willingham's alleged confession to jailhouse "snitch" Johnny Webb, all the other evidence was "window dressing."[1] Willingham was executed on February 17, 2004.

Petitioners Eugenia Willingham and Patricia Cox,[2] through undersigned counsel, bring this grievance against John Jackson alleging misconduct that began during the 1992 prosecution of Cameron Todd Willingham and continues to this day.

This grievance rests on new documentary evidence—recently discovered court records, documents from the files of the Navarro County District Attorney's office, letters just obtained from Johnny Webb, as well as correspondence and affidavits created by Jackson himself. Standing alone, the documentary evidence provides overwhelming support for Petitioners' allegations that John Jackson illegally and unethically made an undisclosed deal with Johnny

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[1] Trial Transcript, *State v. Willingham*, No. 24467-CR (13th Dist. Navarro Co.) ("TT") Vol. 13 at 40. In subsequent citation to the Willingham trial record, the volume and page number will be cited. If line numbers are cited, they will be proceeded with a colon, TT Vol. ** at **:**.

[2] Eugenia Willingham is Todd Willingham's stepmother. She raised him from infancy, after Todd was abandoned by his biological mother. Patricia Cox is Todd's first cousin who obtained a report from fire scientist Dr. Gerald Hurst just before Willingham's execution that showed the arson analysis that convicted him was wholly without scientific merit.

Webb and has continued to cover it up to this day. The documents clearly indicate that in return for Webb's cooperation in the Willingham case, Jackson reduced Webb's conviction from Robbery in the First Degree to Robbery in the Second Degree, took extraordinary measures to protect Webb and confer benefits on him with the assistance of Jackson's wealthy friend Charles Pearce, deceived the Board of Pardons and Paroles ("BPP") to obtain Webb's early release, deceived the BPP and the Governor of Texas about his dealings with Webb on the eve of Willingham's execution, misled officials in the Navarro County District Attorney's Office about the illegal charge reduction and benefits given to Webb which caused them to file misleading papers on the eve of Willingham's execution about material facts, swore a false affidavit prepared for the Court of Inquiry (COI) proceedings brought by Petitioners to have Willingham posthumously declared innocent, and issued misleading public statements in opposition to Petitioners' efforts to obtain a posthumous pardon.

In addition to the damning documentary evidence, Petitioners also submit a detailed interview with Webb, tape-recorded in the presence of his current counsel, which supplements and corroborates the documentary record showing Jackson's misconduct.

I. Introduction: Noble Cause Corruption and Fire Science

"I would rather fail with honor than succeed with fraud."

Sophocles

This is a case about "noble cause corruption," a phenomenon well documented in policing literature that describes a belief held by some officers that it is justifiable for the common good to fabricate or artificially improve evidence to secure the conviction of someone

they believe has committed a heinous crime.[3] It also has application to prosecutors, defense lawyers, and anyone else in the criminal justice system that decides to break the rules for what he or she perceives to be the greater good.

The petitioners do not doubt that Respondent John Jackson believed at the time of the prosecution that Todd Willingham was guilty of arson murder. Though chemical tests found no evidence of accelerant in the bedroom of Willingham's children or in the hallway outside their bedroom, Jackson was assured by Texas Fire Marshal Manuel Vasquez and Assistant Corsicana Fire Chief Douglas Fogg that "pour patterns" on the floor of the bedroom, a "v pattern" in the hallway, burning under furniture, "crazed glass," and other visual cues constituted rock-solid, scientific proof that Willingham had doused accelerant all over his children's bedroom and the hallway on the morning of December 23, 1991 and then started a fire in a deliberate effort to kill his three daughters. In his closing argument, Jackson pounded away with the arson evidence, proclaiming:

> You saw the photographs; and you heard how he poured that liquid in the children's rooms. You saw how he poured it in the hall. You saw how he poured it along the rest of the house. Do you remember what Manuel Vasquez told you about fire evidence? He said that, 'Fire doesn't lie, only people lie; fire doesn't destroy evidence, it creates evidence....It left its mark, members of the jury. When you look at these patterns, this is Cameron Todd Willingham's confession of the crime burned into every puddle in the floor of that house. It's burned into the floor of that house on 11th Avenue. And it's burned into our memories, too.[4]

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[3] The phrase "noble cause corruption," was first coined by Edwin DeLattre in Character and Cops: Ethics in Policing (Washington, DC: American Enterprise Institute, 1989), Ch 11. *See also*, Caldero, M., & Crank, J. (2004). Police ethics: The corruption of noble cause (2nd Ed.). Cincinnati, OH: Anderson Lexis

[4] TT Vol. 13 at 44.

John Jackson went on to call Todd Willingham a "monster"[5], a "child killer dressed up like a lawyer"[6], and offered to "get down on my knees and beg you" to convict Willingham of capital murder.[7] He held out a singed bible secured from the Willingham home[8] and implored the jurors to do "what's required of you," to remember that Jesus said "Whomsoever shall harm one of my children, it's better for a millstone to be hung around his neck and for him to be cast in the sea and drowned."[9] These provocative remarks alone make it clear that Jackson unequivocally trusted the arson evidence to be sound science and truly believed Willingham had committed a horrendous crime.

Yet soon after Jackson gave his closing argument, the National Fire Protection Association published in 1992 its *Guide for Fire and Explosion Investigations* (NFPA 921),[10] reflecting a consensus view of fire scientists, based on experiments and empirical evidence, that Vasquez and Fogg were wrong. There is no scientific basis for inferring the presence of accelerant in debris when chemical tests do not detect it based on "pour patterns," "v patterns," "burning under furniture," "crazed glass" or other observations. Vasquez and Fogg were swearing with absolute certainty – "the fire doesn't lie" – to "folklore" and junk science that had been under attack for years before the publication of NFPA 921. Unfortunately, it wasn't until the eve of Willingham's execution in 2004 that his attorneys secured an affidavit from a leading scientist, Dr. Gerald Hurst, exposing in great detail the specious claims of Vasquez and Fogg and

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[5] TT Vol. 13 at 46.
[6] *Id.* at 36.
[7] *Id.* 47.
[8] *Id.* at 31-32.
[9] *Id.* at 48.
[10] See, NATIONAL FIRE PROTECTION ASSOCIATION, GUIDE FOR FIRE AND EXPLOSION INVESTIGATION (1992). The NFPA promotes fire prevention and safety. The most recent edition of NFPA 921 was published in 2011.

the inaccuracy of their conclusion that the fire was the result of arson.

Since then, a series of prominent fire scientists, in highly publicized re-examinations of the evidence, have repeatedly agreed with Dr. Hurst and rejected the opinions of Vasquez and Fogg. First, in 2006 Petitioners and the Innocence Project filed a complaint with the Texas Forensic Science Commission (TFSC) based on a report of five independent fire scientists addressing a dilemma: The death sentence and arson murder conviction of Ernest Willis, based on virtually identical testimony and opinions from Vasquez and virtually identical scientific facts, had been overturned and dismissed based on findings from Dr. Hurst whereas Willingham's conviction, despite the submission of the Hurst report, was affirmed and Willingham was executed. Indeed, Willis ultimately received compensation from the State on the grounds of "actual innocence." The results in these cases were, as a scientific matter, mutually exclusive. The Independent Panel found the arson evidence in Willingham's case to be unreliable and called for an audit of other similar cases in Texas. [11]

To assess Petitioner's complaint and the Independent Panel's findings the TFSC hired its own independent expert, Dr. Craig Beyler from Harvard. Dr. Beyler agreed with Dr. Hurst and the Independent Panel. But just before the TFSC was to hold hearings on Beyler's report, Governor Perry removed the co-chairs of the TFSC, Sam Bassett and Tarrant County prosecutor Alan Levy, and appointed then Williamson County District Attorney John Bradley to chair the TFSC. After contentious procedural wrangling, the TFSC ultimately issued a report in 2011, more than five years after the original complaint was filed, finding the arson science in the Willingham case to be "seriously flawed." [12] The TFSC forcefully rejected Vasquez's testimony

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[11] DOUGLAS CARPENTER ET AL., REPORT ON THE PEER REVIEW OF THE EXPERT TESTIMONY IN THE CASES OF STATE OF TEXAS V. CAMERON TODD WILLINGHAM AND STATE OF TEXAS V. EARNEST RAY WILLIS 11–12 (2006)

[12] *See* TEX. FORENSIC SCI. COMM'N, ADDENDUM TO THE APRIL 15, 2011 REPORT OF THE

concerning pour patterns, v patterns, crazed glass, low deep burning under furniture and other observations.[13] The TFSC condemned efforts to defend the original Vasquez – Fogg analysis as "untenable"[14] and was especially critical of testimony by Vasquez regarding Willingham's state of mind (an intent to kill the children) as being far outside the bounds of acceptable expert testimony in the field.[15]

The current Texas Fire Marshal agrees with the TFSC and has undertaken, with the co-operation of individual scientists on the TFSC and the Innocence Project of Texas, an audit of other arson convictions in Texas pursuant to the Fire Marshal's continuing duty to correct unreliable scientific testimony by experts such as occurred in the Willingham case.[16] Altogether, eight of the leading fire scientists in the world have conducted detailed reviews of the Willingham arson evidence, agreed with Dr. Hurst, and strongly condemned the arson testimony of Vasquez and Fogg that formed the basis of Jackson's impassioned closing argument.

In 2010, while Chairman Bradley and the forensic scientists on the TFSC were still considering the complaint that the arson evidence in the Willingham case was unreliable, Petitioners here filed an application before the Honorable Charles Baird to convene a Court of Inquiry (COI) and obtain a "Declaration to Remedy Injury to Mr. Willingham's Reputation" pursuant to Article 1 Section 13 of the Texas Constitution.[17] A year earlier the same COI and Declaration procedure had been used successfully before Judge Baird on behalf of the late Tim

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TEXAS FORENSIC SCIENCE COMMISSION, WILLINGHAM/WILLIS INVESTIGATION, at 3–4 (Oct. 28, 2011), *available at* http://content.news8austin.com/auscontent/files/WillinghamWillisReport.pdf.

[13] *Id.* at 21-28.

[14] *Id.* at 41.

[15] *Id.* at 36.

[16] An opinion by the Attorney General prohibited the Commission itself from conducting independent audits of cases that preceded passage of the enabling TFSC legislation, an interpretation contested by the authors of the legislation. *See* Tex. Att'y Gen. Op. No. GA-0866 (July 29, 2011).

[17] *See* Paul C. Giannelli, *Junk Science and the Execution of an Innocent Man*, 7 NYU J.L. & Liberty 221, 248 n.113 (2013) (hereafter cited as "Giannelli").

Cole and his family, ultimately resulting in a posthumous pardon of Cole by Governor Perry and compensation to Cole's family.[18] The Willingham COI proceeding, however, was cut short by a recusal motion[19] and Judge Baird's retirement from the district court bench.

Considerable public, media, and scholarly attention has been paid to the arson evidence and the question of Willingham's innocence including a Polk award winning magazine article in the *New Yorker* magazine, *Trial by Fire*, by David Grann, and a recent law review article by Prof. Paul Giannelli, a distinguished authority in the field of forensic science and the law, *Junk Science and the Execution of An Innocent Man*, 7 NYU Journal of Law & Liberty 221 (2013). The latter contains a concise but comprehensive summary of the complicated legal and administrative proceedings that have occurred with respect to the arson evidence since Willingham's execution.

But it must be emphasized at the outset, while the demonstrated unreliability of the fire marshal testimony offered against Willingham is relevant evidence,[20] Petitioners' allegations against Jackson do not turn on it, and Willingham need not be officially exonerated before John Jackson is held accountable for his actions. Documentary evidence, much of it generated by Jackson himself, supports Petitioners' claim that Jackson violated and continues to violate the criminal laws of Texas, ethical rules governing lawyers, and ethical rules governing judicial

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[18] Office of the Governor Rick Perry Press Release, *Gov. Perry Grants Posthumous Pardon for Innocence to Tim Cole*, March 1, 2010, http://governor.state.tx.us/news/press-release/14312/

[19] Ironically, Judge Baird had been sitting on the Texas Court of Criminal Appeals and voted to affirm Willingham's conviction and death sentence. *See Willingham v. State*, 897 S.W.2d 351 (Tex. Crim. App. 1995).

[20] The fire science is relevant because it tends to show Willingham would not have "confessed" to spreading accelerant in the bedroom of his children and in the hallway as Webb claimed because, in fact, there was no accelerant spread in those areas. It further tends to show that Webb must have been "fed" these false facts about where accelerant was spread from someone, like Jackson, who knew specifically what the fire marshals were mistakenly claiming to be true.

conduct in handling the jailhouse "snitch" testimony of Johnny Webb. Specifically, the documentary evidence strongly supports the findings that, *inter alia*:

- When Webb pled guilty to Robbery in the First Degree on March 10, 1992, Jackson deliberately created an anomalous "N/A" notation with respect to a deadly weapon "finding" on the judgment of conviction so that he could have Webb testify to pleading guilty to Robbery in the First Degree at Willingham's trial but later try to change Webb's conviction to Robbery in the Second Degree without Willingham's lawyers knowing about the reduction;

- On October 12, 1992, three months after Webb testified to pleading guilty to Robbery in the First Degree, and just prior to Webb being sent to state prison, Jackson directed Navarro County court clerks to falsely tell the Texas Department of Correction that Webb was only convicted of a Robbery in the Second Degree, thereby making Webb eligible for early parole;

- On July 15, 1996, after failing to get Webb's Robbery in the First Degree conviction reduced *sub silentio* through the clerks, Jackson obtained a nunc pro tunc reduction of Webb's conviction to Robbery in the Second Degree which was noted on the District Attorney's own file to be part of an understanding between Jackson and Webb's defense lawyer at the time of the plea to be "based on co-op" in the Willingham case;

- On July 15, 1996, Jackson falsely represented in a letter to the BPP and that he had just learned Webb was mistakenly classified as having been convicted of Robbery in the First Degree, misstated the reasons for obtaining the nunc pro tunc reduction, and urged Webb's parole eligibility be re-calculated and advanced;

- Despite emphatically telling Webb in front of the Willingham jury that there was "nothing I can do for you" to help Webb during his incarceration, especially when it came to protection from retaliation for snitching, Jackson took immediate and extraordinary steps with prison officials to ensure, as Jackson put it, Webb's "continued co-operation" including repeated letters and phone calls asking for special placement and Webb's early release;

- Working through his wealthy friend Charles Pearce, who provided financial benefits to Webb, Jackson was personally involved in trying to prevent Webb from "going public" about the Willingham case and to keep "promises" Webb claimed were made in return for his co-operation;

- Jackson took steps, both as a prosecutor and subsequently as a judge, to keep documents out of public court records that would reveal his undisclosed deal with Webb, the true reason for the nunc pro tunc reduction, the provision of special benefits to Webb, his own direct knowledge of Webb's threats to recant, and Webb's handwritten recantation;

- When Willingham's lawyer petitioned to get a 90-day stay of execution for further investigation of information he had just received that the testimony of jailhouse informant Johnny Webb was "false" and a "product of prosecutorial misconduct," Jackson sent a letter on February 4, 2004 to the BPP and the Governor containing material misrepresentations in order to expedite Willingham's execution and avoid an investigation into promises made to Webb to obtain co-operation, the nunc pro tunc reduction of Webb's conviction, and Jackson's unusual efforts on behalf of Webb;

- On October 4, 2010, less than four years ago, Jackson provided the Navarro County District Attorney Lowell Thompson a misleading affidavit in connection with the Court of Inquiry brought by Petitioners that includes the assertion "Webb was offered no reduction in punishment for his testimony."

In a recently tape-recorded interview Johnny Webb corroborates the documentary evidence of an undisclosed deal with respect to the Robbery in the First Degree charge ("And he [Jackson] said, even if you're convicted now, we can get it off you later") and directly implicates Jackson in the knowing fabrication of Webb's testimony. Webb provides a troubling account of Jackson's conduct that has led Petitioners to discover additional evidence. But Petitioner's allegations that John Jackson committed numerous violations of the Texas Disciplinary Rules of Professional Conduct do not depend on the word of Johnny Webb. On the contrary, the deeply disturbing documentary record by itself is more than sufficient for the State Bar to enter a "just cause" finding of violations of the disciplinary rules and begin a prosecution to hold Jackson fully accountable in a manner consistent with the gravity of his misdeeds.

And the gravity of what happened here must not be underestimated. If John Jackson intentionally broke Texas criminal laws and violated ethical rules by, at the very least, hiding his deal with Webb to improve a case Jackson believed was a heinous arson murder, he consciously disregarded the known risk that he and his experts were wrong, that the arson evidence was junk science, and that his improper and unethical acts would ultimately lead to the conviction and execution of Willingham despite the last minute production of scientific evidence demonstrating Willingham's innocence. Yet that is exactly what happened.

When counsel for Willingham finally submitted Dr. Hurst's report to the courts discrediting the arson evidence on the eve of the February 2004 execution, Bill Price, a line prosecutor in Navarro County, filed an answer that objected to the report as untimely and procedurally barred. Price, however, also made the cogent point that, even if the courts assumed everything Hurst said was true, the conviction and death sentence could still be supported as a matter of law by Willingham's supposed jailhouse confession to Webb. Price did not know that the District Attorney's own file in the Webb case, not Willingham's, showed that Webb's conviction had been reduced from Robbery in the First Degree to Robbery in the Second Degree on July 15, 1996 "based on co-op in Willingham," nor did Price know that on that same date John Jackson sent a misleading letter to the BPP urging Webb's early release in light of the reduction.[21] Price now states that he would have revealed the nunc pro tunc reduction deal to Willingham's capital counsel if Price had known about it at the time. If this disclosure had been made, and considering the critical importance of Webb's testimony, Willingham's execution would almost certainly have been stayed, a hearing held to determine if Willingham got a fair trial and whether Dr. Hurst was right. This is hardly fanciful speculation. It's the same process used by Ernest Willis, an innocent man, to avoid execution.[22]

Whatever one's belief about the fire science and Willingham's innocence, if Petitioners' allegations of a continuing cover-up by Jackson are true, Jackson subverted the proper functioning of our judicial system's ultimate "fail safe" protections in capital cases. Such misconduct, however noble Jackson believed his cause, could not be more consequential, more disturbing, or more corrosive to public confidence in lawyers and our system of justice.

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[21] See Affidavit of Robert Hinton (Appendix 45).

[22] *See Willis v. Cockrell*, No. P-01-CA-20, 2004 WL 1812698, *12 (W.D. Tex. August 9, 2004) (granting relief on other grounds but noting that expert testimony on arson "raise[s] strong reason to be concerned that Willis may be actually innocent").

II. The Documentary Evidence

Documents obtained since Willingham's execution strongly support a finding that, in exchange for Webb's testimony, Jackson made an undisclosed deal to (1) reduce Webb's aggravated robbery conviction, (2) obtain Webb's early release, and (3) provide Webb protection in prison and other benefits. The documents support Petitioner's allegations that Jackson made numerous misrepresentations and violated both the criminal law and the disciplinary rules in order to effectuate this agreement and then prevent its discovery. Jackson had to keep these efforts secret both to protect the Willingham conviction as well as his own reputation.

A. Trial Testimony of Webb[23]

There were two lines of proof offered at trial to support Willingham's conviction and death sentence: the jailhouse confession by Johnny Webb and expert testimony that the fire was intentionally set. Jackson highlighted Webb's testimony and the opinion of arson expert Vasquez:

> I'll submit to you that any—either of that testimony, standing alone, is sufficient and conclusive and it shows you that this defendant, Cameron Todd Willingham, committed the crime . . . . the other [evidence] . . . is window dressing.[24]

Webb was the first witness called at the trial. He claimed that Todd Willingham confessed to the murder in a conversation at the Navarro County Jail. Webb testified that Willingham denied for 30 days having caused the fire.[25] Then one day, Willingham allegedly confessed out of the blue.[26] According to Webb, Willingham said he killed his children because his wife had injured or killed one of them, inducing Willingham to panic and burn the house

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[23] All of Webb's trial testimony is attached as Appendix 1. A full transcript of the trial will be made available upon request.
[24] TT Vol. 13 at 44.
[25] *Id.* at 35:2-6; 36:19-24; 37:20-23.
[26] *Id.* at 36:19-24; 37:20-23.

down to protect his wife and cover the abuse.[27] Webb testified that Willingham admitted that "he took some kind of lighter fluid, squirting around the walls and floor and set a fire."[28]

There were obvious problems with Webb's story and his capacity as a witness. The medical examiner found no injuries on the children that would indicate abuse. Webb had a lengthy criminal history, suffered from mental health problems, and testified that he could not remember whether he had in fact committed the crimes underlying his most recent convictions.[29] He was often confused and inconsistent. Jackson had to remind Webb of key details of his testimony by showing him his prior written statement.[30]

The fact that Webb's account of the confession—Willingham supposedly said he spread lighter fluid in the children's bedroom and the hallway —coincided with the opinions of the State's arson experts that accelerant was used in those areas, gave Webb's story some credence at trial. Now, however, in light of NFPA 921, the findings of independent fire scientists, and the TFSC report, it is clear that failure to detect accelerant in the bedroom and hallway means that neither Willingham nor anyone else doused those areas with light fluid.[31] It also provides strong support for believing that Webb's testimony about the Willingham confession was fabricated and

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[27] *Id.* at 18:5-16. It should be noted that at the time of the trial the prosecution benefitted from testimony undermining the good character of Willingham's wife Stacy. She was openly supporting him and testified at the penalty phase that Willingham loved the children, never abused them, and was incapable of committing the crime. Over a dozen witnesses testified at the punishment phase on Willingham's behalf – all attesting to Willingham's loving and peaceable relationship with his children. *See generally* TT Vol. 14.

[28] TT Vol. 13 at 18.

[29] *Id.* at 23:11-13; 23:18-19; 27:ln19-28:12.

[30] *Id.* at 46:12-14; 46:25-47:2; 47:9-12.

[31] Chemical testing did reveal traces of lighter fluid on the front porch, but was noted that a barbeque and was kept in front of the house and a melted charcoal lighter fluid bottle was found nearby. *See* Giannelli at 229.

fed to him by Jackson who believed the incorrect and non-public assertions[32] of Vasquez and Fogg about precisely where accelerant was spread.[33]

The most pressing question regarding Webb's credibility at trial, however, was why would he come forward and was he receiving any benefits in return for his testimony. To resolve this concern, Jackson went to great lengths to bolster Webb's credibility. First, Webb testified that he was reluctant to come forward with Willingham's confession to killing the children but eventually did so "because it got to bugging my conscious."[34] Second, and most importantly, Jackson made it crystal clear that Webb was not offered any incentive whatsoever for his testimony and thus had no reason to lie:

> Q. Johnny, have I promised you anything in return for your testimony in this case?
>
> A. No sir you haven't.
>
> Q. As a matter of fact, I told you there is nothing I can do for you.
>
> A. You said that there was nothing that no one could do for me.[35]

Webb told the jury he was only a few months into a fifteen-year sentence for aggravated robbery—an extended sentence due to use of a deadly weapon.[36] And he was very precise about the nature of his conviction and his understanding of the time he expected to serve.

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[32] Undersigned counsel have reviewed local press accounts of the case at the time of Webb's statement, and the specific theory of the use of accelerants was not reported publicly.

[33] The "feeding" of non-public facts in false confession cases, particularly facts that law enforcement officials believe to be true but turn out to be false, is well documented. In a recent review of 63 DNA exonerations involving false confessions, Brandon L. Garrett found that 59 of the confessions included detailed facts known only to law enforcement. *See* Brandon L. Garrett, *Confession Contamination Revisited*, Va. L. Rev. (forthcoming 2015) (copy available upon request). This same phenomena occurs where a second-hand confession is supplied by an informant. In Garrett's book, *Convicting the Innocent: Where Criminal Prosecutions Go Wrong*, he described several exoneration cases in which informants bolstered the State's case by providing details that "enhanced the forensic evidence" which ultimately was proven invalid.124, 134-138, Harvard University Press, 2011.

[34] TT Vol. 13 at 20.

[35] *Id.* at 11:21.

[36] *Id.* at 13:24-14:22; 22:18-22.

Q. Now presently you are under a sentence of 15 years to do in the penitentiary?

A. True.

Q. Is that aggravated or non-aggravated?

A. Aggravated.[37]

Q. How much time do you understand that you will stay at a minimum in the penitentiary?

A. Three years, nine months.

Q. And when were you sentenced?

A. Sometime either in late January or early February.

Nor was there any ambiguity at trial about Webb's guilty plea to "Aggravated" Robbery in the First Degree with a knife as reflected in the closing argument of Willingham's attorney David Martin:

> I wondered to myself when I heard [Webb] say that he was convicted of aggravated robbery, sentenced to 15 years in the penitentiary . . . . And then I looked in the file, Mr. Webb's file; what did he plead guilty to? He plead guilty to robbing a lady with a knife and threatening to kill her. An aggravated robber, sentenced to 15 years . . .[38]

A stipulation of facts signed by Webb, Webb's lawyer April Sikes, and Jackson also plainly states Webb was pleading to an Aggravated Robbery in the First Degree with a knife.[39] And Webb's understanding of his parole eligibility date—three years nine months—was precisely correct for First Degree Robbery in 1992.[40] Had Webb's conviction been for Second Degree robbery his wait for parole eligibility would have been only half as long.[41]

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[37] TT Vol. 11 at 41.
[38] TT Vol. 13 at 25-26.
[39] Appendix 2 (Stipulation of Evidence).
[40] Appendix 3 (Letter from Parole Expert Gary Cohen).
[41] *Id.*

John Jackson was not presenting Webb's testimony as a "co-operation" agreement whereby a pending charge of Aggravated First Degree Robbery conviction would be downgraded to a Second Degree Robbery conviction in return for truthful testimony. On the contrary, by presenting Webb's judgment and sentence as already entered and fixed Jackson directly conveyed to the jury that Webb could not be expecting any reduction in punishment because of his cooperation.

Moreover, Jackson's emphasis on the fact that there was nothing he or anyone else could do for Webb was highlighted after it became clear on direct, cross, and re-direct examination that Webb had been raped by another inmate during his last prison stint, and that he feared reprisals for testifying against another inmate:

> Q. You understand there's going to be lots of problems for you associated with giving this testimony, don't you?
>
> A. I'm well aware of that.
>
> Q. What happens to people who give this type of testimony in your situation?
>
> ***
>
> Q. You have information of what's happened to you after you've given information about fellow inmates, don't you?
>
> A. Yes, sir.
>
> Q. What has happened to you?
>
> A. My life has been threatened as well as my family's life. And if I make it to the penitentiary, then I'm going to be in deep trouble.[42]

In short, with the clear knowledge that Jackson had told Webb "there was nothing no one could do for me," not even special efforts at protective custody during incarceration, the jury was led to conclude that Webb had altruistically placed himself at great personal risk.

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[42] TT Vol. 11 at 44-45.

Willingham's counsel attempted to impeach Webb with the testimony of another inmate at the Navarro County Jail who heard Webb state that he had been threatened by guards and that "he was hoping to get out—get time cut or something was supposed to happen with his lawyer in a couple of months," but the trial judge sustained Jackson's objection and excluded this testimony. Webb repeatedly denied on cross-examination that he had made a complaint to the FBI about being threatened.[43]

B. Documents Showing an Undisclosed Deal to Reduce Webb's Conviction From Aggravated Robbery in the First Degree to Second Degree Robbery in Exchange For Webb's Cooperation.

The records of the Navarro County District Attorney and the Navarro County District Court, and letters from Webb himself tell a very different story than what Jackson represented to the jury at Willingham's trial and has maintained to this day.

1. The October 12th Typed Note

Jackson's efforts to fulfill his undisclosed bargain with Webb are almost immediately apparent after the trial. In a typewritten note dated October 12, 1992—less than two months after Webb's trial—Jackson brazenly instructs the District Clerk's Office to tell the Texas Department of Corrections that Webb was convicted of second degree robbery even though Webb actually plead guilty to aggravated robbery:

[43] *Id.* at 48. In his recent taped interview, Webb acknowledges making a pre-trial complaint to the FBI and states that he complained of being forced to testify falsely. *See* Webb Transcript, Appendix 4, at 7, ln. 12 -15 and at 8, ln. 1-10, 19-23.

Monday, October 12, 1992

Note: The Judgment has Robbery of the Offense Convicted of and also n/a for the findings of use of deadly weapon. That is what John Jackson wants it to be. But the penal code is 29.03 which is Aggravated Robbery and the degree is 1st which would be a aggravated robbery. If TDC calls and wants to know which one is correct - tell them ROBBERY with No Deadly Weapon Used.

This note is per John Jackson to Marilyn Greer.

The correct Penal Code would be 29.02
And the correct degree is a 2nd.

A handwritten annotation to the typed note above reflects the inconsistencies between the actual judgment entered and Jackson's instruction: *The correct Penal Code would be 29.02. And the correct degree is a 2nd.*[44]

The first point to be emphasized here is that this note "per John Jackson" to clerk Marilyn Greer, sent just before Webb was scheduled to leave local custody and be processed by the Texas Department of Correction ("TDC"), is, on its face, an instruction to violate the criminal law. As Jackson well knew from Webb's sworn testimony at the Willingham trial, just two months earlier, Webb pled to First Degree Aggravated Robbery, stipulated that he committed the robbery with a knife, and expected to be eligible for parole no earlier than three years and nine months from the date of his conviction. If the clerks, upon instruction from Jackson, told TDC that the plea was to Robbery in the Second Degree and TDC changed the Penal Code violation from 29.03 to 29.02, that would constitute Tampering With a Government Record (Penal Code § 37.10) by Jackson because Jackson knew the plea was

[44] Appendix 5.

actually to Robbery in the First Degree.[45] It is unclear as to whether the clerk's office tried to follow Jackson's instructions[46] but TDC did not process Webb as being convicted of Second Degree Robbery and, accordingly, Webb was not eligible for a one half "time cut" in terms of early parole release.[47]

2. Inconsistencies in Webb's 1992 Judgment Shows that Jackson Always Intended to Reduce Webb's Charge as Part of an Undisclosed Deal.

As demonstrated by the October 12, 1992 note, an anomalous inconsistency in the judgment filed in Webb's aggravated robbery case is tell-tale evidence that Jackson intended from the start to reduce the degree of Webb's conviction if Webb testified according to plan. The March 10, 1992 judgment[48] —created months before the Willingham trial—was intentionally drafted with an inconsistent "finding" about use of a deadly weapon that Jackson could later use to claim that Webb had only pled to Robbery in the Second Degree not Robbery in the First Degree (Aggravated Robbery with a deadly weapon) if Webb co-operated in providing helpful testimony at Willingham's trial.

On the March 10th judgment form there are boxes to be filled out at the top of the form for "Penal Code Offense" and "Findings on The Use of a Deadly Weapon." The Penal Code Offense is properly filled out as "29.03" or First Degree Robbery but the box concerning "Findings on the Use of a Deadly Weapon" is filled out as "N/A," notwithstanding the fact that the judgment was accompanied by a clear stipulation that a knife was used in the course of the

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[45] If it were found that Jackson tried to tamper with the record for purposes of fulfilling a deal with Webb, which was intended to "defraud or harm" Willingham, it would be a felony of the second degree pursuant to Penal Code 37.10(d)(3).

[46] An investigator for Petitioners interviewed Marilyn Greer and clerks from the Navarro County clerk's office about the October 12th note. Neither Greer nor her colleagues had any specific recollection of the note but believed it to be a note that would have come from the District Attorney's office to them, not a note they would have typed themselves. See Appendix 6 (Wayman Investigation Report).

[47] *See* Appendix 3 (Cohen Letter).

[48] A copy of the original March 10, 1992 judgment in Webb's case is attached as Appendix 7.

robbery as a deadly weapon. Most significantly, the October 12, 1992 note to clerk Marilyn Greer calls attention to this "N/A" inconsistency in the deadly weapon finding and states "That is what John Jackson wants it to be." Put simply, this line in the October 12th note is compelling evidence that *Jackson* always wanted this small inconsistency about the use of a deadly weapon finding in the judgment in the hopes that he could later, *sub silentio*, persuade TDC that Webb was only convicted of Second Degree Robbery and was eligible for earlier parole release.

3. The July 15, 1996 Nunc Pro Tunc Reduction of Webb's Judgment and the Notation on the District Attorney's File That It Was "Based on Coop in Willingham."

On July 15, 1996, Jackson sought and obtained a nunc pro tunc judgment from the Navarro County Court Judge Kenneth "Buck" Douglas substituting a conviction for Second Degree Robbery (Penal Code § 2.02) for Webb instead of an Aggravated Robbery in the First Degree (Penal Code § 29.03).[49] The Navarro County District Court file does not contain any contemporaneous motion from Jackson providing reasons for this extraordinary change and there is no transcript we can locate of the proceedings, assuming a court reporter was even present. There is, however, a handwritten notation on the jacket of the District Attorney's file that stands as "smoking pistol" proof of a deal between Jackson and Webb that in return for co-operation in the Willingham case the Robbery in the First Degree conviction would be reduced to the lesser included offense of Robbery in the Second Degree:

[49] The substitute Nunc Pro Tunc Judgment is attached as Appendix 8.

NOTES: 15 yrs. on shock
April says this was to be incl. offense of robbery 2nd
based on coop in Willingham

[April says this was to be incl. offense of robbery 2nd ° [degree] - *based on coop in Willingham.*][50]

The "April" referenced in the notation is April Sikes—Webb's criminal defense lawyer for the 1992 robbery case.[51] Prior to being in private practice when she represented Webb, Sikes had been an employee of the Navarro County District Attorney's Office and a colleague of Jackson. She subsequently served as Mayor of Corsicana and is currently employed by the Smith County District Attorney's Office. Court records do not indicate that Sikes was present on July 15, 1996 when Jackson obtained the nunc pro tunc reduction. When asked about the notation on the jacket of the District Attorney's file and her representation of Webb, Sikes told Longview attorney Clifton L. "Scrappy" Holmes that she had no memory of Webb's case and did not retain her own defense file.[52]

Although counsel has not yet been able to identify the handwriting on this notation, clerks at the Navarro County District Clerk's Office have suggested the notation may be in the handwriting of now deceased Judge Kenneth "Buck" Douglas whose informal approach

[50] A copy of the jacket of the District Attorney's file is attached as Appendix 9.
[51] *See* Appendix 2 (stipulation showing April Sikes as counsel).
[52] Appendix 10 (Affidavit of Clifton L. "Scrappy" Holmes).

sometimes involved writing on the District Attorney's file what was communicated to him by counsel for the State. [53] However the notation was made, it's undeniable that the District Attorney's own file provides strong evidence that there was an undisclosed agreement that Jackson would reduce the Robbery in the First Degree conviction to Robbery in the Second Degree based on Webb cooperating in the Willingham prosecution.

4. Jackson's False Explanation of the Nunc Pro Tunc Reduction to the Parole Board and the TDCJ in a July 15, 1996 letter.

The same day Jackson obtained the nunc pro tunc reduction of Webb's conviction he immediately reported it to the Texas Department of Criminal Justice (TDCJ)[54] and the Texas Board of Pardons and Paroles in a July 15, 1996 letter as follows:

> I have recently received a letter from Johnny Webb which indicates that your records show that he was convicted of the offense of Aggravated Robbery when, in fact, he was convicted of Robbery.
> Examination of the records of the District Court disclosed that the original judgment reflected a conviction for Robbery, but also indicated the Penal Code section for Aggravated Robbery.
>
> To clarify this matter, I examined our records, along with the records of the attorney who represented Mr. Webb. Based upon this, I requested that the Court enter a judgment Nunc Pro Tunc in order to remove any doubt that Mr. Webb should stand convicted of the offence of Robbery, 2nd degree, which is an included offense of that with which he was originally charged.
>
> I would appreciate you taking this information into consideration when computing any parole eligibility.[55]

---

[53] Private investigator Max Wayman, a former Special Agent in the Criminal Investigation Division of the Internal Revenue Service and the principal in Max Wayman & Associates, interviewed Marilyn Greer and Jill Grounds from the Navarro County Clerk's office about this notation. Neither Greer nor Grounds remembered the notation being made but believed it might be the handwriting of Judge Kenneth "Buck" Douglas. *See* Appendix 6.

[54] By the time Jackson wrote this letter in July of 1996 the TDC, Texas Department of Corrections, had been renamed TDCJ, the Texas Department of Criminal Justice. The two abbreviations are used interchangeably herein.

[55] Appendix 11 (Letter From Jackson to TDCJ, July 15, 1996).

This explanation of the nunc pro tunc reduction is directly contradicted by all the documentary evidence, patently misleading, and deceptive in many ways.

First, Jackson's claim that he just "recently" became aware, through a letter from Johnny Webb, that Webb had mistakenly been classified as having committed a First Degree Robbery rather than a Second Degree Robbery is utterly disingenuous. Did Jackson really forget the October 12, 1992 note where he tried to quietly and illegally get the clerks to falsely tell TDC that that Webb had been convicted of a Robbery Second Degree? Did Jackson really forget that Webb had unequivocally testified that he pled to Robbery in the First Degree using a knife as a deadly weapon and the earliest parole date was three years and nine months from imposition of the judgment? When Jackson conducted his "examination" of the "original judgment" did he somehow miss the "Stipulation of Evidence" that he signed along with Webb and April Sykes describing a robbery where Webb "judicially confesses" that he did "intentionally and knowingly place Shirley McAdams in fear of imminent bodily injury by using and exhibiting a deadly weapon, to wit: a knife"? Just consider the stipulation of evidence, which would have been in the file Jackson claimed to have reviewed prior to obtaining the nunc pro tunc judgment:

> I, the Defendant in this case, judicially confess to the following facts and agree and stipulate that these facts are true and correct and constitute the evidence in this case:
>
> On the 1st day of January, 1992, in Navarro County, Texas, I did then and there while in the course of committing theft, and with intent to obtain property of Shirley McAdams, to wit: a purse, without the effective consent of the said Shirley McAdams, the owner thereof, and with intent to deprive the said Shirley McAdams of said property, I did then and there intentionally and knowingly place Shirley McAdams in fear of imminent bodily injury by using and exhibiting a deadly weapon, to wit: a knife. I further agree that I am one and the same

person named in the indictment in this case, and that all allegations contained therein are true and correct.

Defendant

SWORN TO AND SUBSCRIBED before me on this 6 day of March, 1992.

District Clerk
Navarro County, Texas

THIS PAGE, AND ALL PRECEDING PAGES OF THIS STIPULATION, ALL UNDER ONE BLUEBACK COVER, APPROVED:

Defendant

Attorney for Defendant

Attorney for State

District Judge

In short, no conscientious examination of the original judgment or testimony could lead one to believe Webb pled guilty to Second Degree Robbery as opposed to First Degree. The improper purpose of this nunc pro tunc reduction is unmistakably revealed in the last paragraph of Jackson's letter—a request to take the reduction into consideration when computing Webb's parole eligibility because a Second Degree Robbery conviction would get Webb out earlier than the original First Degree conviction.

5. There is No Innocent Explanation for the Nunc Pro Tunc Reduction of Webb's Conviction

The rules governing nunc pro tunc judgments are strict and well known. A nunc pro tunc judgment can only be obtained where the original judgment was incorrect due to a

clerical error; it cannot correct an error of the Court in entering the wrong judgment or a judgment later perceived to be improper. *See Fanniel v. State*, 73 S.W.3d 557, 560 (Tex. App.—Houston [1st. Dist] 2002, no pet.) ("A judgment *nunc pro tunc* is improper when it has the effect of making a new order.").[56]

In light of the 1992 "Stipulation of Evidence" Jackson and Webb signed that states Webb committed a robbery using a knife as a deadly weapon, and in light of Webb's 1992 testimony elicited by Jackson that the plea was to a First Degree Aggravated Robbery with a knife, for Jackson to claim in 1996 that an entry on the judgment of Aggravated Robbery was a "clerical error" for nunc pro tunc purposes is a patently false claim and it's hard to believe Jackson did not know it. On its face, the documentary evidence supports a case that the July 15, 1996 nunc pro tunc reduction was done for purposes of fulfilling a deal with Webb and getting his continued co-operation, thereby violating Penal Code Section 37.10(d)(3)(Tampering with a Governmental Record) for purposes of defrauding or harming another.

Similarly, Jackson cannot credibly claim that he obtained the 1996 nunc pro tunc reduction for Webb in some post-hoc effort to save Webb from death threats by prison guards or the Aryan Brotherhood for testifying against Willingham. That is plainly not a basis for nunc pro tunc relief. The remedy for such a problem would be protective custody, the parole process, or an application for clemency to the Parole Board and the Governor. Most significantly, Jackson did

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[56] For example, in *Ex Parte Dopps*, the Court of Criminal Appeals granted habeas corpus relief where a court added a deadly weapon finding that had been omitted from the original judgment. 723 S.W.2d 669 (Tex. Crim. App. 1986). The Court explained that a nunc pro tunc amendment to the judgment was not proper to correct a judgment where the trial court accidentally omitted a deadly weapon finding:

> A correction can be made to reflect what actually occurred at trial by entry of nunc pro tunc judgment, but correction can be only as to what was done and not as to what should have been done.

Ex parte Dopps, 723 S.W.2d 669, 671 (Tex. Crim. App. 1986) (quoting *Chaney v. State* 494S.W.2d 813,814 (Tex. Crim. App. 1979)).

not cite recent threats to Webb as a the basis for the nunc pro tunc reduction; rather, he told the Parole Board and TDCJ in his July 15th letter that it was understood at the time of the original judgment that Webb's conviction should have been for Second Degree, not First Degree Robbery.

When the entire trail of documentary evidence is considered one conclusion is inescapable: As the notation on the District Attorney's file with respect to the July 15, 1996 nunc pro tunc reveals, there was an understanding between Jackson and Webb at the time of the guilty plea that the conviction would be reduced from Robbery in the First Degree to Second Degree Robbery in return for co-operation in the Willingham prosecution. After Webb fulfilled his part of the bargain by testifying, in August of 1992, Jackson attempted in his October 12, 1992 note to the clerks to deliver on his part by instructing the clerks to tell TDC the conviction was really a Second Degree Robbery. The excuse for the reduction was an intentional inconsistency in the judgment, recording "N/A" as the Deadly Weapon Finding. The inconsistency was not an accident because, as the note says, "That's how John Jackson wants it to be." The benefit to Webb, of course, of a reduction from First Degree Robbery to Second Degree is eligibility for earlier release on parole. After the October 12th note to the clerk failed to get the reduction, Jackson, as will be recounted below, took extraordinary steps to assist and convey benefits to an increasingly restive Webb.[57] Finally, on July 15, 1996 Jackson obtained the nunc pro tunc reduction, falsely explaining to the parole board and TDCJ that it had always been a plea to Robbery in the Second Degree, and immediately asking them to take the reduction into account in computing an earlier parole release date for Webb.

[57] As will be discussed *infra*, Webb asserted pressure on Jackson to make sure he received the benefits of his deal. Webb's complaints of abuse in prison escalated during his prison time and included threats that he would recant his testimony in Willingham or bring his situation to the attention of the press if he did not receive protection. Webb also filed pro se pleadings seeking to enforce promises made to him and even to officially recant his testimony.

In short, the documentary evidence alone supports Petitioners' case that Jackson aided and abetted the crime of Aggravated Perjury, a third degree felony, Texas Penal Code Section 37.10, by knowingly eliciting false testimony from Webb that there was no promise or understanding that Webb would receive any benefit or time reduction in return for his testimony, much less a reduction of the Robbery in the First Degree conviction to Second Degree thereby making Webb eligible for earlier release on parole. Suborning perjury about such a material fact would be criminal even if one assumes Webb was being truthful about Willingham confessing to him—hardly a safe assumption.

C. Jackson Provided Extraordinary Assistance in Protecting Webb and Obtaining an Early Release

The unlawful July 15, 1996 nunc pro tunc reduction was just one of many benefits conferred on Webb both directly by Jackson and through Jackson's wealthy friend Charles Pearce.[58] At trial, Jackson emphasized Webb's fear of retribution and history of being sexually abused in prison to bolster Webb's credibility by daring to report Willingham's confession. Petitioners do not doubt that Webb did receive some threats in prison based on his status as a "jailhouse snitch" in a high profile case. Nor do Petitioners claim that it was improper for Jackson make efforts to ensure Webb's safety. The point here, however, is that Jackson's immediate, constant, and extraordinary efforts not just to protect Webb but to obtain his early release and confer benefits upon him are entirely inconsistent with the clear message given to the jury at Willingham's trial: That Jackson had made no promise to Webb that he would or could do anything to protect Webb,

[58] Charles Pearce was a wealthy philanthropist in Navarro County who was known to help young men referred to him by Navarro County law enforcement. While it is doubtful that Pearce knew all the details of Jackson's arrangement for Webb's false testimony, Pearce met regularly with Jackson regarding Webb and was vital in facilitating communication between the two and providing Webb with financial support at Jackson's behest.

provide him special treatment, or get him an early release. Yet, records show immediate, constant, and extraordinary intervention by Jackson on Webb's behalf with the prison system.

1. Letters Seeking Favorable Prison Classification

In October 1992, just as Webb was being transferred from Navarro County to TDCJ, Jackson wrote to S.O. Woods at the TDCJ classification section advocating that Webb be placed in a medical facility citing Webb's role as "a pivotal witness in a capital murder prosecution" and noting that "Webb's testimony may be necessary at a later stage in the proceedings."[59] Having heard nothing from Woods, Jackson wrote again a month later seeking a special placement for Webb, noting his "pivotal importance" in the Willingham case that resulted in the death penalty.[60] Although the body of this second letter indicated the request was for Webb's safety, Jackson added the following post-script implying that getting a favorable placement in TDCJ was a condition for Webb's co-operation:

> PS: in the event of reversal, I would also like to be able to count on Webb's continued cooperation. JHJ.[61]

2. August 1995 Intervention With TDCJ to Have Webb Moved

On August 11, 1995 Charles Pearce sent a letter to Webb, saying that Pearce had delivered a letter to Jackson in which Webb voiced a complaint about being moved from the Eastham Unit to the Wynne Unit and wanted Jackson's help:

> I have taken your letter directly to John Jackson, and he [illegible] of his in TDC, requesting he look into your situation.[62]

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[59] Appendix 12 (October 21, 1992 letter from Jackson to TDCJ Classification).
[60] Appendix 13 (November 20, 1992 letter from Jackson to TDCJ Classification).
[61] *Id.*
[62] Appendix 13 at 11 (August 11, 1995 letter from Pearce to Webb). Appendix 13 contains a series of letters from Pearce to Webb that Webb recently provided to the Petitioners.

An August 30, 1995 letter from Pearce reflects that Jackson had contacted TDCJ and arranged for Webb to be moved back to his preferred Unit:

> ... I am glad to hear you are safe and sound back in Eastham. . . . Jackson's friend at T.D.C. did a good job and kept pushing til he got [illegible]. I should tell John of your appreciation. By the time your [illegible] John may well be district judge in which case his word will carry more weight. [63]

3. November 27, 1995 Letter to TDCJ Responding to Webb's Threat to Recant

A November 27, 1995 letter from Jackson to Chief Eddie McElyea, a TDCJ internal investigator, not only asks for an investigation of complaints by Webb that guards were pressuring him to recant his Willingham testimony, but confirms that Jackson had been advocating for Webb repeatedly and previously on other matters.:

> Dear Eddie,
> I hate to keep bothering you with Johnny Webb problems, however I received a letter from him alleging that a correctional officer by the name of [redacted] has suggested that he recant his testimony in the Willingham capital murder case. As you are aware, Webb is not exactly a model citizen, but I would be very concerned if TDC personnel is leaning on him to change his story.
>
> I would very much appreciate your assessment of the situation, particularly with regard to whether there is any real danger.[64]

Correspondence from Pearce to Webb dated from December 27, 1995 confirms that McElyea had, in fact, personally met with Webb at Jackson's request and that Jackson had been in contact with officials regarding Webb's parole:

> I'm glad Mr. McElyea came to see you. He is about the only clout we have inside T.D.C.—I will stop and see John Jackson again this morning. Maybe he has heard something from Parole.[65]

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[63] *Id.* at 14 (August 30, 1995 Letter from Pearce to Webb).
[64] Appendix 15 (November 27, 1995 letter from Jackson to TDJC)
[65] Appendix 14 at 17 (December 27, 1995 letter from Pearce to Webb).

Webb's allegation (detailed in Jackson's letter to McElyea) that he was being pressured by a prison guard to recant formed the basis of a federal lawsuit filed in the Northern District December 1995, a proceeding that Jackson later sought to keep quiet.[66]

4. 1995-1996: Jackson's Requests for Early Parole

By late 1995, Webb had served more time than expected had he been convicted of only second degree robbery under the parole laws existing in 1992.[67] This time period kicks off what can best be described as a full court press by Jackson to secure Webb's early release from prison. Jackson's efforts to assist Webb were no doubt motivated by Webb's threats to recant his testimony referenced in the McElyea letter and *pro se* federal and state court filings by Webb. In the pro se motion filed in Navarro County District Court in May of 1996 Webb asked to be transferred from TDCJ to either federal custody or the Navarro County Jail.[68] In this motion, Webb made the remarkable admission that he had, contrary to his sworn testimony, been offered promises in exchange for testifying against Willingham:

> The court possesses jurisdiction to issue a protective order for my protection because I freely gave testimony in the capital murder trial of Mr. Willingham, without fear of retaliation, harassment or threats from others. It is like entering into a contractual agreement . . . . *Here the state offered me certain benefits in exchange for my testimony, which resulted in sending a man to death row.* This resulted in a murder contract being placed on my head. Because I kept my end of the promise, the state is bound to uphold theirs' until my release from incarceration.[69] (Emphasis added.)

In correspondence with Webb during the same time period, Charles Pearce provided updates on Jackson's work in getting Webb released. On January 6, 1996, Pearce wrote:

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[66] *Webb v. Chaney, et. al.* (No. 9:95-cv-451 (N.D. Tex.)).
[67] *See* Appendix 3.
[68] Appendix 15 (Motion for Protective Order, *State v. Webb*, No. 24490 (May 17, 1995)).
[69] *Id.*

> Jackson has heard from parole [illegible] is working from his end. Obviously, there are no guarantees, but people are working in your behalf.[70]

Pearce provided Webb with additional details of Jackson's efforts to secure Webb parole in a letter dated March 27, 1996:

> Don't feel as though you have been abandoned. I have taken your recent letter to John Jackson and he has started a special file on your problems. He has talked with Parole and now is in touch with a couple of State Senators he knows. Hopefully, John's efforts will produce some results. There are of course no guarantees. I just want you to know that people are trying to help.[71]

On May 8, 1996, Jackson followed up on a telephone conversation with Board of Pardons and Paroles Chairman Victor Rodriguez with a detailed letter advocating for Webb's early parole.[72] Jackson recounted the threats Web had reported from both inmates and correctional officers and ardently concluded: "In my opinion, the only possible solution to this problem is the release of Webb from TDC."[73] In this letter, Jackson claimed, just thirty-seven days before making an illegal nunc pro tunc reduction of Webb's conviction to Robbery in the Second Degree "based on co-op in Willingham," that:

> Webb volunteered information and testified in the trial of the murder case without any agreement from the State respecting diminution of the recommendation in his own case.[74]

In closing the letter, Jackson again repeated:

> Webb's cooperation in the murder prosecution without expectation of leniency should be accorded some consideration.[75]

Despite Jackson's year-long lobby campaign, Webb was denied parole.

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[70] Appendix 13 at 19(January 6, 1996 Letter from Pearce to Web).
[71] *Id.* at 22 (March 27, 1996 letter from Pearce to Webb).
[72] Appendix 17 (Letter from John Jackson to the Victor Rodriguez, dated May 8, 1996).
[73] *Id.*
[74] *Id.*
[75] *Id.*

5. December 1996 Clemency Application

With efforts to get Webb paroled failing, Jackson took the extraordinary step of filing a clemency application on Webb's behalf, asking that Webb's fifteen-year sentence be commuted as excessive. Correspondence from Pearce to Webb indicated that, by June of 1996, Jackson was working this alternative to the parole process:

> Tomorrow, I will try and see John Jackson again. In addition to all else, he is trying to work some angles with the D.A., the Sheriff, and the District Judge. Believe me, a lot of people are trying to help you. [76]

Pearce updated Webb the following month on difficulties Jackson was having in marshaling support behind Webb's cause:

> … you are not forgotten. John Jackson is still working to get your release. To be sure it is a snarled up situation, with no quick fix, but people are trying. It would help if there were some believable guarantee that you wouldn't mess up again. I mean the drug thing—Those willing to help don't want to look bad if on release you go down again.[77]

Documents in the Navarro County District Attorney's file reflect that, by late fall, Jackson researched the procedures for requesting a commutation.[78] He obtained letters from the victim and the trial officials (referenced in Pearce's correspondence over the summer) which endorsed the commutation by claiming that they now believed Webb's agreed-to 15 year sentence was excessive".[79] However, in a telling letter from Jackson to a TDCJ Warden regarding Webb's expected release, Jackson candidly revealed the true reason for the commutation effort:

> [Webb] is apparently about to be released, based on executive clemency ***in connection with a capital murder case.*** [80]

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[76] Appendix 14 at 27 (June 15, 1996 letter from Pearce to Webb).
[77] Appendix 14 at 30 (July 10, 1996 letter from Pearce to Webb).
[78] On November 19, 1996, a staff attorney at the State Counsel for Offenders sent a packet of materials to Jackson enclosing "what we send offenders when they ask about obtaining a time cut." Appendix 18.
[79] Appendix 19 (Documents submitted to Board of Pardons and Paroles supporting Webb commutation).
[80] Appendix 20 (June 13, 1997 Letter from Jackson to Warden David Doughty) (emphasis added).

During this time, Jackson also wrote to Webb directly on his personal letterhead assuring Webb of Jackson's efforts in obtaining Webb's freedom:

> . . . .As you are aware, I have written extensively to the Board of Pardons and Paroles seeking special review and out-of-sequence consideration.
>
> ***
>
> I want you to understand that your assistance to Navarro County has not been forgotten; and that any reasonable means available to me to shorten your incarceration will be explored. I would ask you to keep a lower profile with your adversarial proceedings with the prison system. . . .
>
> As you know, it is very easy for me to preach patience to you, and very difficult for you to accept. At the same time, I would ask that you not take actions which jeopardize the efforts of those working in your behalf.[81]

The Board of Pardons and Paroles in fact recommended a commutation on May 22, 1997. By then, Jackson had already taken advantage of his new position as a district judge and had Webb transferred to the Navarro County Jail to complete his sentence.[82] As evidence of his close collaboration with Webb, Jackson even intervened with prison staff to ensure that Webb's personal property was kept safe and returned to him.[83] However, Governor George W. Bush denied clemency and Webb remained in the Navarro County Jail until he was paroled in 1998.

6. Jackson Assisted Webb Again When Webb's Parole Was Revoked and He Was Convicted on Narcotics Charges in 2000.

Webb did not stay out of prison for long. Within months of his release, Webb was twice arrested on narcotics charges, and he pled guilty in exchange for a 2-year sentence. When Webb returned to prison, Jackson again pledged assistance in correspondence with Webb:

> Please understand that as a prosecutor, I very much appreciate your assistance on a very important case. We worked for a long time on a number of different levels, including the Governor's Office to get you released early in the robbery case and it was disappointing to us that you returned to prison after only a

[81] Appendix 21 (September 22, 1996 Letter from Jackson to Webb).
[82] Appendix 22 (Recommendation for commutation); Appendix 23 (January 16, 1997 Bench Warrant).
[83] Appendix 20 (June 13, 1997 Letter from Jackson to Warden David Doughty).

> short time outside. Please understand that I am not indifferent or insensitive to your difficulties. From my standpoint, it seems there is no good option. As you know, GenPop, AdSeg, and Safekeeping all have their respective drawbacks. Some of the same problems will exist even if I bring you back on a bench warrant to Navarro County. As I remember, the last time you came back on a warrant, things were less than positive.
>
> Please write me directly and let me know what you believe is the most positive option. I am not completely convinced that service of a long stretch awaiting parole in Navarro County is the optimum solution and may in fact prolong your release date. The prison and parole system remains a mystery to me, even after all these years. Certainly, I do not want to take any action which will have the effect of creating additional problems for you.[84]

Two weeks later, Jackson responded to another letter by Webb indicating his close collaboration in assisting Webb:

> I received your letter today and your suggestions seem appropriate. I will hold off any action until I hear from you in September. Let me know if I need to correspond with anyone in the prison system regarding your requests. If you think my intervention might lend support to a transfer, etc. I will be happy to write.[85]

Jackson then signed a bench warrant transferring Webb to the Navarro County Jail on October 19, 2000.[86] As before, Webb served his remaining time in the Navarro County Jail until he was again paroled.

D. Jackson Used His Wealthy Friend and Supporter Charles Pearce to Provide Webb With Financial Benefits and as a Means of Secret Communication

Jackson's direct intervention on Webb's behalf represents only a fraction of the benefits conferred on Webb as consideration for his testimony. Jackson also employed the help of Charles Pearce, a wealthy supporter of Jackson, Navarro County law enforcement, and someone was well known for helping offenders in need. Although there is no evidence that Pearce understood Webb to have given false testimony or knew that the promises made by Jackson to

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[84] Appendix 24 (August 1, 2000 Letter from Jackson to Webb).
[85] Appendix 25 (August 15, 2000 Letter from Jackson to Webb).
[86] Appendix 26 (October 19, 2000 Bench Warrant).

Webb were improper, Pearce provided substantial monetary benefits to Webb. As soon as Webb entered TDCJ, Pearce bean making regular payments to Webb's inmate trust account.[87] During Webb's prison time on the 1992 Aggravated Robbery case, Pearce deposited over $3000 in Webb's TDCJ inmate trust account in regular installments. Webb was also provided with numerous magazine subscriptions.[88] While there is no formal transactional record linking Pearce and a vehicle Webb was rumored to have been provided upon his release from prison in 1998, documents clearly indicate that Webb purchased a truck valued at $10,000 at the time he left prison,[89] and Webb recently confirmed that the truck was paid for by Pearce at Jackson's behest.[90]

Soon after his release from prison, Webb enrolled in an expensive program at the Oceans Corp. Diving School. Although the Oceans Corp. did not retain records indicating who paid the tuition, Webb claims that Pearce paid the tuition.[91] This claim is corroborated by contemporaneous Harris County records from a 1999 narcotics charge in which Webb listed Charles Pearce as his only source of income. Webb wrote on a questionnaire relating to bond that Pearce provided him $1000 per month.[92] Despite the absence of any independent means, Webb posted bond and privately retained former Assistant United States Attorney Joe Porto to represent him. Porto negotiated a plea deal of two years despite the fact that Webb was facing two felony drug charges and had a lengthy felony record.[93] Webb recently acknowledged that Pearce paid for all of his expenses during this time. *See infra* Part II(F). After Webb's next

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[87] Appendix 27 (Webb's TDCJ commissary records and summary chart).
[88] Appendix 28 (Letter to Pearce's secretary re: magazine subscriptions).
[89] Appendix 29 (Records Showing Webb's purchase of Truck); 30 (Harris County Criminal Records).
[90] Appendix 4 at 56.
[91] See Appendix 4 at 54-55; Appendix 31 (Oceans Corp. Records).
[92] Appendix 30 at 9 (records from Webb's Harris County narcotics convictions).
[93] *Id.*

prison stint, documents indicate that Pearce again paid for some of Webb's tuition at Navarro College in Corsicana.[94]

Most importantly, Pearce's collaboration with Jackson as Pearce provided financial assistance to Webb is well documented. Webb has turned over to Petitioners a number of letters he received from Pearce and Jackson that discuss Jackson's efforts to assist Webb in obtaining an early release. A September 22, 1996 letter from Jackson to Webb begins with Jackson confirming his ongoing communication with Pearce:

> Mr. Pearce has kept me up to date on your various problems and has shared various correspondences with me regarding your eligibility for parole, etc.[95]

A later letter sent by Jackson to Webb in 2000 after Webb's return to prison shows the continued collaboration:

> I hope this letter finds you well and in good spirits despite your present circumstances. Mr. Pearce and I visit on a regular basis concerning your problems. [96]

Pearce's correspondence with Webb likewise shows his close collaboration with Jackson. In the small selection of letters provided to Petitioners by Webb covering only 1995-1996, Pearce makes 10 separate references to discussions with Jackson.[97]

Pearce's role as a handler of Webb for Jackson is also made clear after Webb apparently threatened in a letter to Pearce that he would go to the press regarding his role in the Willingham case and problems he was having in prison. Pearce quickly delivered a message from Jackson, advising against going public:

> And now about going public with your complaints; I advise against it.. ..Assuming the media would listen to you, it would affect not only you but it

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[94] Appendix 32 (Webb's Navarro College Records).
[95] Appendix 21 (September 22, 1996 letter from Jackson to Webb).
[96] Appendix 32 at 2-3 (Webb's Navarro College Records).
[97] *See generally* Appendix 14 (Pearce correspondence with Webb).

> would reopen and rehash the whole Willingham case. That would not gain you any friends and would, in fact, keep John from doing anything for you.
> I have shown your letter to John and he says he will write to you directly about your prospects for parole. Read his letter carefully before doing anything radical.[98](emphasis in the original)

In yet another letter, Pearce again assured Webb of Jackson's commitment to assisting Webb, warning him that certain aspects of that assistance and the Webb-Jackson relationship have to be kept secret:

> John says he has written you. I would point out to you that there are some things that can and some that cannot be discussed in a letter. You will have to go along with this and I can assure you that there are people working in your behalf. That's all I can say at this time.[99] (Emphasis in original).

E. Documentary Evidence of Jackson's Misrepresentations to Cover Up His Misconduct

From the beginning of the Willingham prosecution, through the execution, and continuing to this day, there is powerful documentary evidence supporting Petitioners' claim that Jackson has engaged in an ongoing series of misrepresentations to cover up the incentives and benefits promised and provided to Webb.

1. Failure to Disclose Deals and Promises Made to Webb at Pre-Trial Proceedings In Response to Defense Motions

At a July 24, 1992 pretrial hearing on defense motions for disclosure of exculpatory and impeachment evidence, Jackson agreed that he had a duty to turn over all favorable information to the defense and informed the trial court and defense counsel that he did not know of any information that was not already disclosed. The defense filed a motion for disclosure of all evidence that would affect the credibility of the State's witnesses – exculpatory impeachment

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[98] Appendix 14 at 36 (September 13, 1996 letter from Pearce to Webb).
[99] Appendix 14 at 39 (Letter dated September 26, 1996).

material, which was granted by the Court. [100] Jackson expressly informed the State and defense, "We'll disclose, if we know about it. . . . If we – if we have any knowledge of it that reasonably comes into our possession, we'll disclose it."[101] There can be no question that any kind of promise or suggestion from Jackson that he would reduce the degree of robbery in Webb's judgment of conviction in return for co-operation, or any promises to protect Webb in prison, should have been disclosed at this time. *See Giglio v. United States*, 405 U.S. 150 (1972) (requiring disclosure of promises made to State's witnesses). If there had been an understanding at the time of Webb's plea that it was really supposed to be to Robbery in the Second Degree, as Jackson later told the TDCJ and the parole board on July 15, 1996 when he obtained the nunc pro tunc reduction, that arrangement should have been disclosed before trial or Jackson should have corrected the record when Webb testified to pleading to Robbery in the First Degree. Needless to say, any understanding with Webb's defense counsel there would be a reduction to Second Degree Robbery "based on coop in Willingham,"[102] as reflected on the District Attorney's own file in the Webb case, should have been disclosed before the Willingham trial. Instead, Jackson hid his deal with Webb from the court, defense counsel, and the jury to bolster Webb's credibility in a capital case.

2. Post Conviction Misrepresentations

After Willingham's conviction, there is documentary evidence already reviewed here evincing deliberate efforts by Jackson to hide an agreement to reduce Webb's conviction and the benefits conferred upon Webb including:

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[100] TT Vol. 2 at 10-11. An excerpt of the transcript reflecting the court's orders is attached as Appendix 33.
[101] *Id.*
[102] Appendix 9 (Handwritten note).

- The October 12, 1992 note instructing clerks "per John Jackson" to tell TDC that Webb's conviction was really a Robbery in the Second Degree;

- The September 23, 1996 letter from Pearce to Webb communicating that Webb should not make public statements about the Willingham case and communicating that the Jackson's assistance to Webb was contingent on his silence;

- The September 26, 1996 letter from Pearce to Webb saying that Jackson had written to Webb about Jackson's efforts on Webb's behalf and "that there are some things that can and some that cannot be discussed in a letter." *This was written just after Jackson moved for the illegal nunc pro tunc reduction on July 15th and just before Jackson made a clemency application on behalf of Webb.*

- Jackson's use of personal stationary in communicating with Webb regarding the benefits conferred to him to avoid making a public record;

- Jackson's keeping, according to a letter from Pearce to Webb, a "special" file for Webb's letters;

- Jackson's diversion of Webb's "Motion to Recant Testimony" from the district court file; and

- Jackson's false statements about the nunc pro tunc reduction to the Board of Pardons and Paroles in support of Webb's early release.

However, two extremely troubling documents in Jackson's post-conviction cover up require closer attention— Jackson's handling of a 2000 "Motion to Recant Testimony" filed by Webb and a February 5, 2004 letter Jackson sent to the Governor and Board of Pardons and Parole on the eve of Willingham's execution.

a) Jackson Improperly Diverted Webb's 2000 Recantation From the Willingham Court File

On March 30, 2000, Johnny Webb submitted an official "Motion to Recant Testimony." In this handwritten pleading served on the Navarro County District Attorney's Office, Webb stated as follows:

> I come now to said court and respectfully request that testimony given in the Willingham capital murder case by Mr. Johnny E. Webb, be made null and

> void. I Johnny E. Webb wish to withdraw and recant all testimony given in said trial.
>
> I am given no other choice by to make this motion to recant testimony at this time. I was forced [sic] to testify against Willingham by the D.A.s [sic] office and other officials. I was made to lie. Willingham is innocent of all charges. Submit this Motion to Recant to the Court for the soonest possible consideration.[103]

A notation on the document indicates that the Motion to Recant in Mr. Willingham's case was not filed with the district clerk, but instead "Gave to Dist. Judge Jackson 4-3-00." Staff at the Navarro County District Clerk noted that the initials "PCB" next to this notation correspond with the initials of the elected district attorney at the time Pat C. Batchelor. Neither the District Attorney's Office nor Judge Jackson took any action on the motion, nor did they disclose the letter to Willingham's writ attorney.[104]

Jackson has argued in various documents that Webb's motion was not a genuine recantation, but instead the product of coercion by prison gangs. Even if this is true, Webb's purported motivation does not justify diverting and secreting a pleading intended to be filed with the district clerk. As a sitting judge who had previously been the lead prosecutor in a capital case, Jackson had a clear duty to make sure all motions regarding the case were filed with the court as directed. To the extent that Jackson or the District Attorney's Office questioned Webb's veracity in recanting or the voluntariness of the motion, the proper course would be to respond to the motion and present evidence supporting its invalidity. Instead, Jackson and the District Attorney simply buried Webb's recantation in the district attorney's file, never disclosing it to the defense. The recantation never came to light until years after Willingham's execution.

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[103] Appendix 34 (Motion to Recant Testimony).
[104] Appendix 315(Affidavit of Walter Reaves).

b) The February 5, 2004 Letter Denying Misconduct and Advocating Execution

On January 26, 2004 Willingham's lawyer Walter M. "Skip" Reaves filed a Petition for a Ninety-Day Reprieve or stay of execution:

> The most significant [reason to grant a reprieve] is to allow petitioner to develop evidence of his actual innocence, or at a minimum evidence of prosecutorial misconduct. On[e] [of] the most significant pieces of evidence against petitioner came from a jailhouse informant, Johnny Webb. Petitioner has reason to believe that Webb's testimony was false, and was the product of prosecutorial misconduct. Petitioner also has reason to believe that upon being released from prison Webb was provided with a car. Petitioner has been unable to develop this information earlier because of a limitation on funds. Additionally, Webb has only recently been open to talking about [what] really happened.[105]

On February 5, 2004 Jackson submitted a letter to the Governor and the BPP responding to the claim of prosecutorial misconduct and advocating for Willingham's execution.[106] This letter was not served on the defense, and Bill Price the line assistant district attorney from Navarro County handling contemporaneous applications in court seeking to stay the execution, including the execution eve pleading containing the Hurst report, was not aware of Jackson's response.[107]

At this point in time, Jackson had been the elected Judge of the 13th District Court in Navarro County for over five years. Although it is customary for the BPP to solicit comment on clemency applications from the trial officials, Jackson was no longer with the prosecutor's office and had recused himself from setting Willingham's execution date or any further proceedings in the case. Regardless, he submitted a detailed, point-by-point response to the allegation in Willingham's clemency application that Webb's testimony was the result of prosecutorial misconduct. This letter contained gross misrepresentations regarding essentially every aspect of Jackson and Webb's relationship and Webb's role in the case. It further discussed a

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[105] Appendix 36 (Application/Petition for a Ninety-Day Reprieve From the Execution of His Death Sentence and for Commutation of Sentence to Imprisonment for Life).
[106] Appendix 37 (February 5, 2004 Letter from Jackson to BPP and Governor).
[107] Appendix 45 (Affidavit of Robert Hinton).

"recantation" by Webb but doesn't specifically mention that the recantation was made in the form of a motion diverted from the Willingham court file and never disclosed to defense counsel or any of the state and federal judges considering Willingham's claims.

Jackson begins his letter by denying that he had "coached" Webb or provided him with any incentives:

> The application alleges that the testimony of Webb, a prosecution witness, was false, the same being a product of "coaching" by the State's counsel. . . . I did not offer Webb any consideration for his cooperation and he was later sentenced to 15 years in the robbery case. Based on the circumstances of the Webb robbery (he threatened an acquaintance with a stick if she refused to give him her purse) the sentence seems entirely adequate. [108]

Jackson then addresses the allegation that Webb was provided a car in exchange for his testimony by distancing himself and the case from any benefits Webb may have received from a philanthropist who provided help to convicts seeking rehabilitation:

> The application also suggests that Webb was provided with a car after his release from prison, presumably as a pay off for his testimony. I am aware that Webb was acquainted with a Corsicana businessman and philanthropist by the name of Charles Pearce who provided the means by which a number of convicts to seek rehabilitation including vocational training and counseling. Any benefit Webb may have obtained from Pearce at a time remote from the Willingham prosecution had no connection with Webb's testimony in these proceedings. I can state with complete assurance that Webb never received a car from anybody as consideration for cooperation in this case. [109]

Jackson raises the issue of Webb's recantation, even though the defense had never learned of it:

> Mr. Webb corresponded with me on several occasions while in prison. The subject of these letters was invariably a plea for protection after a misguided documentary film maker allegedly disclosed Webb's whereabouts in the system to Willingham and his relatives.[110] Webb's letters were specific in describing how he had been targeted for death and/or serious injury by the Aryan Brotherhood, to whom Willingham had described Webb as a "snitch." Webb also disclosed that he had been forced to make a "recantation" of his testimony. Webb's

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[108] Appendix 37.
[109] *Id.*
[110] *Id.*

> correspondence to me states, "I did NOT write this (recantation) willingly nor did I ever lie at the Willingham trial.

The documentary record in this case contradicts all major points in Jackson's letter.

i. "I did not offer Webb any consideration for his cooperation . . ."

As already described at length in this petition, there is extensive documentary evidence showing that Jackson attempted to reduce Webb's conviction and accelerate his eligibility for early parole release in an October 12, 1992 note to Navarro County clerks, and then illegally obtained the nunc pro tunc reduction on July 15, 1996, which included a notation in the District Attorney's file that the action was being taken based on co-operation in the Willingham case. Most significantly, Jackson did not mention the nunc pro tunc reduction at all because, it is now clear, Navarro County prosecutors handling the Willingham case didn't know about it and would have disclosed it if they had known.[111] Nor did Jackson mention his extensive interventions with prison officials requesting Webb's early release and that Webb receive special treatment and protection while incarcerated as well as Jackson's specific concern that this be done to assure Webb's "continued co-operation."[112]

ii. "Based on the circumstances of the Webb robbery (he threatened to hit an acquaintance with a stick if she refused to give him her purse) the sentence seems entirely adequate."

Jackson's recitation of the facts of Webb's crime obviously conflicts with the Stipulation of Evidence in the original judgment and Webb's testimony that both expressly confirm that Webb was arrested, charged, and convicted for threatening his victim with a knife—not a stick. The substitution of a stick for a knife does not appear to be inadvertent and is consistent with Jackson developing a cover story to defend the nunc pro tunc reduction if it were discovered by

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[111] Appendix 45 (Affidavit of Robert Hinton)
[112] Appendix 13 (November 20, 1992 letter from Jackson to TDJC).

the line district attorney handling the case, the defense, the Board, or the courts. Jackson's statement regarding the adequacy of Webb's 15-year sentence also contradicts his earlier request for a commutation of Webb's sentence as "excessive."

iii. "I am aware that Webb was acquainted with a Corsicana businessman and philanthropist by the name of Charles Pearce who provided the means by which a number of convicts seek rehabilitation including vocational training and counseling. Any benefit Webb may have obtained from Pearce at a time remote from the Willingham prosecution had no connection with Webb's testimony in these proceedings."

Just as Jackson's July 15, 1996 letter to the Parole Board made it seem as though it had just come to his attention that Webb was serving time on a Robbery in the First Degree charge rather than a Robbery in the Second Degree, this letter is utterly disingenuous about the relationship between Pearce, Webb, and Jackson. Any reading of Pearce and Jackson's correspondence with Webb shows a close collaboration between Jackson and Pearce and recognition that assistance provided to Webb was both in recognition of Webb's testimony as well as contingent on Webb staying silent about the Willingham case.[113] Jackson's letter conveys the impression that Pearce was merely "acquainted" with Webb and related to him strictly as a philanthropist trying to help rehabilitate a convict, not a friend of Jackson that was helping manage the Webb-Jackson relationship. The statement that "[a]ny benefit Webb may have obtained from Pearce" would have been "at a time remote from the Willingham prosecution" is directly contradicted by numerous documents showing that Pearce began making payments to Webb as soon as Webb was received in TDCJ after his testimony.

iv. Misleading Discussion of the Webb Recantation

[113] *See generally* Appendix 14.

Jackson makes a vague reference to a "recantation" that he explains away by describing correspondence from Webb to Jackson that Webb had been forced to write the recantation upon threat of death by the Aryan Brotherhood prison gang. Jackson implies that he heard about this threat through the "several occasions" in which Webb corresponded with Jackson "after a misguided documentary film maker allegedly disclosed Webb's whereabouts" to the prison gang.[114] However, Jackson fails to disclose that he was in close communication with Webb throughout his entire prison stay, and that Webb's threats to recant were not new. In fact, Webb had made a similar allegation nine years earlier (long before in involvement of author Elizabeth Gilbert) that a prison guard was coercing Webb to recant. Jackson also omits the fact that Webb expressly requested that his Motion to Recant Testimony be filed with the Court, but was instead diverted by the DA and Jackson.

3. Post Execution Misrepresentations

a) Misrepresentations in Jackson's October 2010 Affidavit

Jackson's efforts to conceal his misconduct did not end with Willingham's execution either. On October 4, 2010, Jackson signed a sworn affidavit that was prepared for the purpose of the State's and Navarro County's intervention and opposition to a Court of Inquiry initiated by Petitioners here to clear Todd Willingham's name.[115] In that affidavit, Jackson swears that "Webb was offered no reduction in punishment for his testimony" but makes no reference to the July 15, 1996 nunc pro tunc reduction which, it was apparent from the COI filing, Petitioners' counsel had not yet discovered.[116] The affidavit also continued to mislead Lowell Thompson, the current Navarro County prosecutor who attended the 2010 COI proceeding. When Webb was

[114] It is believed that Jackson refers here to Elizabeth Gilbert, an author who interviewed both Webb and Jackson about the Willingham case in early 2000.
[115] Appendix 38 (October 4, 2010 Affidavit of Jackson).
[116] A copy of the Court of Inquiry Petition will be provided upon request.

arrested after the 2010 COI proceeding on an aggravated assault charge in Corsicana, Thompson filed the First Degree Robbery conviction as a predicate for additional punishment against Webb;[117] Thompson, like line Navarro County prosecutor Bill Price who was opposing Willingham's execution eve motions, including the filing which contained the Hurst report, was unaware of the July 15, 1996 nunc pro tunc reduction.[118] Petitioners contend, based on the documentary evidence already reviewed at length, that there was always, as the notation in District Attorney's own file reflects, an understanding that Webb's conviction would be reduced in return for co-operation in the Willingham case and Jackson was intentionally hiding it from the District Attorney, the defense, the appellate courts, the BPP, and the Governor because revealing it would have resulted in vacating Willingham's conviction and exposing Jackson's misconduct.

In the October 2010 affidavit, Jackson also attempts to explain Webb's handwritten 2000 "Motion to Recant" that Jackson had diverted from the district court file, a document that Petitioners had discovered and included in their 2010 COI application. He claims that this recantation was coerced by threats from the Aryan Brotherhood prison gang acting on behalf of Willingham and a documentary film-maker named Elizabeth Gilbert:

> In February of 2000, a Navarro County resident by the name of Charles Pearce, Jr. came to my chambers in the Courthouse and delivered to me the letter and enclosing envelope a copy of which is attached hereto as Exhibit A. The envelope and letter was in the handwriting of Johnny Webb which is well known to me based upon much correspondence which I have received from Webb over the past 15 years. Charles Pearce, Jr. was an individual who assisted a number of criminal defendants, including Webb in various rehabilitation attempts.
>
> The substance of the letter very clearly sets out Mr. Webb's explanation of his "recantation" of testimony related to the Willingham confession. It explains that a documentary film-maker by the name of Liz Gilbert interviewed both Webb and Willingham with a view towards assisting Willingham. Webb's letter explains

[117] Appendix 44 (Sworn Aggravated Assault Complaint).
[118] Appendix 45 (Affidavit of Robert Hinton).

> that Gilbert advised Willingham of Webb's whereabouts in the Institutional Division of TDCJ and that another death row inmate communicated this information to his brother in the same unit as Webb. Webb relates in this correspondence that his is being forced, under threat of death to make a false recantation of his testimony. The correspondence implies that such threats originate from "AB," or Aryan Brotherhood.[119]

Jackson attached a letter from Webb to Pearce dated February 12, 2000 in which Webb describes meeting with Gilbert and purported threats that Webb recant his testimony.[120] But again, even if Webb's recantation was coerced or otherwise insincere, it does not excuse Jackson's actions in diverting the recantation from the court file.[121]

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[119] Appendix 38 (2010 Affidavit of John H. Jackson)

[120] Appendix 39 (February 12, 2000 Letter from Webb to Pearce attached to Jackson Affidavit).

[121] In his letter to Pearce, Webb expressed anger at Gilbert for allegedly exposing him to threats by the Aryan Botherhood. This is contradicted by Webb's subsequent correspondence to Gilbert. On September 28, 2001, Webb wrote to Gilbert (misaddressing her as Mrs. Houston—the city where she resides) in a somewhat irate tone, but does not mention any threats resulting from her visit or communication with Willingham. Rather, his letter is primarily a request for copies of photographs taken of him and the prison and an implied request for money. See Appendix 40 at 1-2 (Webb correspondence to Gilbert).

A second letter sent to Gilbert in December 2001 takes a friendly, conversational tone and likewise makes no mention of threats resulting from Gilbert's communication with Willingham. *See id.* at 3-4. A third letter sent by Webb to Gilbert in March 2002 is the first mention of any threats regarding Webb's testimony, and, remarkably, expresses Webb's frustration that the District Attorney has not fulfilled its promise to protect him in prison—a promise he denied receiving under oath at Willingham's trial:

> See, I have had many, many problems here in T.D.C. because of my testimony in the Willingham case. The good thing about it is its all well documented in letters to the District Judge and to my close friend Mr. Pearce. Plus to another D.A. in a different county. So I think that most of the content is already there. The other good thing is I'm the only one who can get these letters.
>
> My point is. T.D.C. doesn't care about people. Once your here, the District Court has no jurisdiction here in T.D.C. The District Court can only request help. The general public just doesn't know the real story about people in my situation. We are encouraged to testify and told that we'll be protected. But the reality of it is totally different from what your told! I just what people out there to know "If you tell, your putting your head in the Lions mouth." There is very little justice in the Texas Justice system.

Id. at 6 (March 2002 Letter from Webb to Gilbert). Nowhere in any correspondence with Gilbert does Webb mention his allegation made to Pearce that Gilbert placed Webb's life in danger.

b) Post Execution Misrepresentations to the Public through the Media

The evidence also supports the conclusion that Jackson's efforts to hide his misconduct continue to the present day. In response to clemency filings by Willingham's family in September 2013, Jackson asserted that he made no promises to Webb.[122] Jackson was confronted with the handwritten note from the Navarro County District Attorney's file reflecting a reduction in Webb's charge "based on coop. in Willingham" in a subsequent interview reported by the Associated Press on February 28, 2014. Jackson again repeated his claim that there were no promises made to Webb:

> Jackson . . . has maintained that Webb did not receive leniency. He told The Associated Press on Friday that he had not seen the note, but believed it was likely referring to efforts he made to get Webb out of prison after Willingham's trial due to threats on Webb's safety.
>
> "The file may certainly reflect that we tried to get sentencing shortened, but it had nothing to do with any agreement relative to the Willingham trial," Jackson said.[123]

Aside from his denial regarding the incentives provided to Webb, Jackson's statement that he had not seen the note was likewise untrue. A copy of this note was sent to Jackson by e-mail from Innocence Project Attorney Bryce Benjet two weeks before the news story was published.[124] Jackson was specifically asked about the handwritten note that he later claimed never to have seen:

> We would value the opportunity to speak with you about the case and these documents, and in particular, the handwritten note on page 4 of the pdf and the typewritten note on page 11.

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[122] Brandi Grissom, *Citing New Evidence, Urging a Posthumous Pardon in 1992* Case, N.Y. Times, Sept. 26, 2013, at A19. (http://www.nytimes.com/2013/09/27/us/citing-new-evidence-urging-a-posthumous-pardon-in-1992-case.html) (Attached as Appendix 41).

[123] *Group Says New Evidence In Texas Arson-Murder Case*, Associated Press, Feb. 28, 2014

[124] Appendix 43 (Email exchange between Benjet and Jackson).

And there is no question that Jackson received this e-mail because he responded with an offer to speak about these documents conditioned on a full waiver of liability:

> Mr. Benjet: Based on your response, it would appear that you and the Willingham family are prepared to waive any possible or anticipated civil claims against the State of Texas, other gov't entities, and anyone else in connection with this case. Please confirm and I may be able to provide responses to written questions. JJ[125]

This e-mail exchange, which predated the Associated Press interview, flatly contradicts Jackson's feigned ignorance of the allegations and evidence in the clemency proceeding. Petitioners contend Jackson's motive for making these misrepresentations in the press is a continuing effort to conceal his misconduct relating to Webb.

F. Webb's Recent Statements Confirm Jackson's Also Support the Conclusion that Jackson Acted Improperly

Webb, through his court appointed attorney, recently reached out to Dallas Attorney Bob Hinton and the Innocence Project after reading about Willingham's posthumous pardon request in the newspaper. Over the course of two tape-recorded interviews, Webb describes how he was recruited to testify falsely against Willingham and was promised and provided protection in prison and an early release.

In early March 2014, Webb's court appointed attorney, Daniel Biltz, contacted Bob Hinton—an experienced and respected Dallas criminal attorney who has been assisting the Innocence Project in investigating the Willingham case. Biltz informed Hinton that Webb had (1) admitted that his testimony in the Willingham case was false, (2) that he was promised and received money and favorable treatment on his criminal case in exchange for providing the false testimony, and (3) that he wished to set the record straight. On March 12, 2014, Webb and his

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[125] *Id.*

attorney Biltz met with Bob Hinton and a private investigator Kenny Johnson and discussed these matters in a detailed and tape recorded interview.

In that interview Webb explained how Navarro County Sheriff Les Cotton noticed that Webb had spoken to Willingham at the jail and asked him to testify against Willingham:

> Q: Tell us more about how the conversation developed, that first conversation between you and Sheriff Cotton.
>
> Webb: It just – you know, he said, well, if you can find out anything, it'd probably be beneficial for you. And he said, I know you want to do the right thing. That's the one thing they kept saying over and over and over all through this whole thing was you need to do the right thing.[126]

Webb explained that he met several times with Cotton in which he did not provide any information, and was then taken to meet with Jackson at Jackson's Office:

> Q: And what did John Jackson say?
>
> Webb: He said, well, let's go over what I think needs to happen. He says I've got this guy Willingham who did this. We know he did it. We know he's guilty. We just can't prove it. He said right now, they're – we're looking at either giving him 35 and 15 on a plea agreement and this dude getting away with murder. Are you helping us and him going to prison for the rest of his life? And that's exactly what he told me.
>
> Q: Al l right, what did you say in return at that first meeting with John Jackson?
>
> Webb: I said, well, what is it going to entail? I mean what is my position? What am I going to have to do, John? I mean what's going to be my deal? And he says, well, you know, you can look at it like this. He said you can take this case to trial – because I had already told him that I didn't do the robbery. And he says, well, that's neither here nor there. He says that robbery will disappear. If you help me, that robbery will disappear. And I said, what do you mean disappear? And he says even if you're convicted now, I can get it off of you later. And a matter of fact, he did try.
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> ***

[126] Appendix 4 at 25.

Q: Did you understand that the help that you were expected to give the prosecution on Willingham would be that Willingham said something to you that incriminated him in that fire that killed his children.

Webb: Yes, sir.[127]

Webb recounted that he met with Jackson on several occasions to discuss the details of his testimony:

Webb: He wanted me to go over – he wanted me to look at some of those pictures and he said, look, if you look at these pictures right here, you can see the burn marks on the baby's arm. They're dead. He did that. Look at the pictures of the inside of the house. He says your story doesn't have to match exactly. He says I just want you to say he put fires the corners or put fires wherever. I need you to be able to say that so we can convict him. Otherwise, we're going to have a murderer running our streets.

Q: All right, wait. You're saying that Mr. Jackson said you're going to need to say that Willingham told you - -

Webb: That's right.

Q: - - that he put something on the floor in the corners that was flammable and he ignited it for the purpose of killing his kids?

Webb: It wasn't just anything. It was lighter fluid. You know, like charcoal lighter fluid.

Q: Charcoal lighter fluid.

Webb: Yep.

Q: Who told you it was charcoal lighter fluid?

Webb: That's what he said. Just say it was charcoal lighter fluid.[128]

Webb was very clear in the interview, however, that Willingham never confessed to the murder, and that Webb's trial testimony was a fabrication;

Q: Okay, okay. And you're saying that Willingham never told you anything about - -you'll have to say out loud.

Webb: No he didn't.

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[127] Appendix 4 at 34-36

[128] *Id.* at 41-42.

Q: Okay.

Webb: Actually, What he told me, was when he came home, everything was fine. He went to sleep. He woke up, and the house was on fire. That's all he said.

Q: Okay. Did Willingham ever tell you anything about what he tried to do to save his children? And I'm not trying to - -

Webb: John Jackson told me that, you know, there was testimony – there was going to be testimony in the trial, and this is before the trial, that Willingham went out and put clothes in his car before the fire ever happened. You know, he said that. He said that's going to come out. He said there's a lot of things that are going to come out, Johnny, that you don't know about. One of the main things that he had always said - - and he said it more than once and this is after, after the trial he said this. He said, you know, you as children you read about bedtime stories about monsters and he said he pointed at Willingham and said that's the monster right there. And the whole time he was saying that, I thought, you know, Willingham is a monster? Who's really the monster when you make people do things they don't want to do?...[129]

Webb also confirmed the substantial benefits he received from Pearce in exchange for his cooperation with law enforcement both prior to the Willingham case and in exchange for his testimony against Willingham:

Q: How would John Jackson have known that you knew anything about Chuck Pearce?

Webb: Well, because I went out to the ranch with him and stuff. See, that's the thing. John lives in Powell. Well, Chuck owns a ranch out in Kerens. Well, everybody knows Mr. Pearce. I mean it's like one of the biggest ranches there. Well, we used to go out on the ranch and shoot guns with Mr. Pearce and the other kids from (inaudible). Well, Mr. Pearce, John Jackson and [redacted]

Q: [redacted]

Webb: [redacted] All of them used to be out there when we was out there. Everybody knew we knew that guy, and I mean he's a really good guy. But John Jackson and Mr. Pearce's relationship was more like some money thing, you know. They would get Pearce to buy things for

[129] *Id.* at 42-43

people so they could get testimony or whatever they needed and Chuck Pearce had the money to afford it.

Q. Okay. And you were aware of that?

Webb: Yeah.

Q. All right, okay. So John Jackson mentions the name Chuck Pearce to you in the second or third conversation you had with John Jackson?

Webb: Right.

Q. And how was it mentioned to you?

Webb: Because I wanted - - I'd said that I wanted to go to diving school and he said, well, you know, things can be taken care of. And I said, well, you know, I'm looking at doing all this time. He said, man, I guarantee you, you will not do that much time. He says I can get you out of prison. I can get you into diving school, and I'll use Chuck to do it.

Q: Okay. And this was the second or the third conversation that you had with John Jackson?

Webb: As a matter of fact, the whole time I was in prison for 15 years, Mr. Pearce put money on my books every month like clockwork.[130]

Over the course of two interviews in March 2014, Webb confirmed essentially all of the documentary evidence showing Jackson's misconduct and provided additional details regarding his fabrication of Willingham's confession and his receipt of thousands of dollars in cash and other benefits conferred onto Webb by Pearce.

Johnny Webb's alarming account—that Jackson intentionally fabricated a false confession in a death penalty case—should be carefully scrutinized and corroborated by other evidence. So far, Webb has produced letters and Petitioners have found other documentary evidence that independently corroborate Webb. But Webb's recent statements are not necessary to prove Jackson's misconduct in this grievance—the case against Jackson is clearly established by Jackson's own words and the wealth of other documentary evidence discussed above.

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[130] *Id.* at 39-41.

III. Standard of Review

The issue before the Chief Disciplinary Counsel ("CDC") is whether this grievance, on its face, alleges professional misconduct such that it should be classified as a complaint and, if so, whether there is "just Cause" to conclude that professional misconduct occurred. *See* Tex. R. Disc. Cond. 1.06(U) ("'Just Cause' means such cause as is found to exist upon a reasonable inquiry that would induce a reasonably intelligent and prudent person to believe that an attorney either has committed an act or acts of Professional Misconduct requiring that a Sanction be imposed . . . ."); *see also Comm. for Lawyer Discipline v. Schaefer*, 364 S.W.3d 831, 833 (Tex. 2012) ("CDC investigates complaints to determine whether there is just cause that an attorney committed professional misconduct.").

IV. There Is Far More Than The Required "Just Cause" to Conclude That Jackson Violated the Disciplinary Rules

The extensive factual record presented by petitioners demonstrates that Jackson violated his professional, ethical, and constitutional obligations with respect to his handling of prosecution witness Johnny Webb, before, during, and after Willingham's trial. Indeed, the documentary evidence marshaled here would be sufficient to carry the CDC's burden to oppose summary judgment in an action against Jackson – and hence there is substantially more than the required "just cause," at this preliminary stage, to conclude that Jackson committed professional misconduct. Thus, the CDC should proceed to a full investigation and prosecution of Jackson for his misconduct in this matter.

As detailed above and further summarized below, there is overwhelming evidence that Jackson violated a host of Texas Disciplinary Rules of Professional Conduct, including:

- Rule 3.03 – Candor Towards Tribunal;
- Rule 3.04 – Fairness in Adjudicatory Proceedings;

- Rule 3.09 - Special Responsibilities of a Prosecutor;
- Rule 3.10 – Advocate in Nonadjudicative Proceedings;
- Rule 4.01 – Truthfulness in Statements to Others;
- Rule 8.04 – Misconduct

A. Jackson Engaged In Conduct Reflecting Dishonesty, Fraud, Deceit and Misrepresentation In Violation of Rules 3.04(a), 3.10, 4.01, and 8.04(a)(3)

Jackson's professional misconduct, as detailed above, violated Rules 3.04(a), 3.10, 4.01, and 8.04(a)(3), because Jackson's conduct constitutes an ongoing scheme to first present Webb's false testimony at Willingham's trial, deliver on the undisclosed promises made to Webb by making false statements to courts and executive officials, and to cover-up the misconduct relating to Webb. As detailed above, Jackson made numerous, specific, and material misrepresentation beginning before Willingham's trial and continuing through this year. *See supra* Part II.

These misrepresentations are supported by Jackson's own correspondence, notations and documents in the official files of the Navarro County District Clerk and DA's Office, as well as many contemporaneous documents from a variety of credible sources. The extraordinary assistance provided to Webb by Jackson, which started shortly after Willingham's trial, not only confirms the falsity of Webb's testimony (suborned by Jackson), but also constitutes a separate incidence of dishonesty, fraud, deceit, or misrepresentation. Specifically, the documents demonstrate that Jackson improperly obtained a nunc pro tunc judgment reducing Webb's criminal liability in the aggravated robbery case. The original judgment does not appear to have been a mistake regarding Webb's conviction—Webb testified that he was convicted of "aggravated" robbery and he signed documents indicating that was what he would be convicted

of the same.[131] Indeed, a note dated only two months after the Willingham trial indicates that the form of the original judgment was "What John Jackson wants it to be."[132]

Further, Jackson's efforts to push for a commutation of Webb's sentence also constitutes dishonesty, fraud, deceit, or misrepresentation because Jackson was not honest with the Board of Pardons and Paroles about the reason for the commutation request. Jackson told the Board of Pardons and Paroles the commutation was sought because Webb's sentence was "excessive." That is contradicted by (a) Jackson's own description of the clemency in a letter to TDCJ as related to Webb's role in a capital murder trial,[133] (b) Jackson's statements to the Board of Pardons and Paroles and the Governor that he believed Webb's sentence to be adequate,[134] and (c) the raft of other documentation indicating a campaign by Jackson to employ "any reasonable means available" to shorten Webb's incarceration.[135]

The suppression of Webb's Motion to Recant by Jackson and Batchelor (including the failure to file the motion with the district clerk) and the subsequent reliance on Webb's trial testimony to facilitate Willingham's execution without disclosing the recantation or the benefits Webb received for providing that testimony fits easily within any reasonable understanding of dishonesty, fraud, deceit, or misrepresentation.

Numerous other acts constituting dishonest and fraudulent conduct and violating Jackson's duty of candor are detailed above, including (a) Jackson's efforts to discouraging Webb from making public statements about the Willingham case and the falsity of his testimony and, through Pearce, communicating that the State's assistance to Webb was contingent on his

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[131] *See supra* Part A (2).
[132] Appendix 5.
[133] Appendix 20 (June 13, 1997 letter from Jackson to TDCJ Warden David Doughty)
[134] Appendix 37 (February 5, 2004 letter from Jackson to BPP and Governor)
[135] *See supra* Section II(C)

silence;[136] and (b) Jackson's extensive record of communication with Webb regarding the benefits conferred on Webb by Jackson in Jackson's capacity as a prosecutor, yet the communications were made through Pearce as an intermediary or written on Jackson's *personal* stationery to avoid making a public record subject to disclosure.[137]

Moreover, as detailed in Section II(E)(2)(b), infra, Jackson made numerous material misrepresentations and concealed the truth about his conduct and relationship with Webb on the eve of Willingham's execution. Jackson's *ex parte* letter to the Governor and the Board of Pardons and Paroles opposing Willingham's requested reprieve of execution is riddled with material misstatements, including:

- Jackson's false and misleading statement that "I did not offer Webb any consideration for his cooperation . . . ," which is contrary to the contemporaneous documents reflecting precisely that and contrary to Jackson's substantial and personal involvement in securing substantial benefits for Webb almost immediately after the Willingham trial and continuing over many years.

- Jackson's inconsistent statement that Webb's sentence was "adequate," despite Jackson having told the TDJC in his request for clemency for Webb that the very same sentence was "excessive" and should be commuted.

- Jackson's false and misleading statement that "Any benefit Webb may have obtained from Pearce at a time remote from the Willingham prosecution had no connection with Webb's testimony in these proceedings," despite documents showing the benefits Webb received from Pearce came very shortly after Webb testified in Willingham, and the extensive correspondence linking Jackson and Pearce and linking the benefits Webb was receiving to his assistance in the Willingham case.

- Jackson's false and misleading discussion of Webb's recantation motion and Jackson's failure to explain why he did not put the record in the court file or otherwise disclose it to Willingham's habeas counsel.[138]

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[136] Appendix 13 at 36; Appendix 20 (Jackson letter dated September 22, 1996).
[137] *Id.*
[138] *See supra* Part II(E)(2)(b).

Jackson had an overriding duty to conduct himself honestly and refrain from false statements, but he also had a specific obligation of candor to a "Tribunal" under Rule 3.03. The Texas Disciplinary Rules define "Tribunal" broadly to include

> any governmental body or official or any other person engaged in a process of resolving a particular dispute or controversy. Tribunal includes such institutions as courts and administrative agencies when engaging in adjudicatory or licensing activities as defined by applicable law or rules of practice or procedure, as well as judges, magistrates, special masters, referees, arbitrators, mediators, hearing officers and comparable persons empowered to resolve or to recommend a resolution of a particular matter; but it does not include jurors, prospective jurors, legislative bodies or their committees, members or staffs, nor does it include other governmental bodies when acting in a legislative or rule-making capacity.

Accordingly, Jackson's duty of candor extended beyond the district court to his statements to the Texas Department of Criminal Justice, the Governor's Office, and the Board of Pardons and Paroles because those entities were considering evidence and resolving questions regarding parole and executive clemency.

Even after Willingham's execution, Jackson has continued to violate his professional obligations by making additional false and misleading statements – including false statements under oath -- and engaging in dishonest conduct. As detailed in Section II(E)(3)(a) above, Jackson signed a sworn affidavit on October 4, 2010, in connection with the State's participation in a court of inquiry initiated by Willingham's family, in which Jackson falsely claimed that "Webb was offered no reduction in punishment for his testimony."[139] Thereafter, as discussed in Section II(E)(3)(b) above, Jackson made additional false, public statements about the Willingham case, including (a) denying he had any deal to provide leniency to Webb for his testimony; and (b) denying in a public statement to the Associated Press that Jackson had seen the handwritten note in the court's file reflecting that the reduction in Webb's charge from aggravated robbery to robbery was based on his cooperation in Willingham – despite the fact that

[139] Appendix 38.

Jackson was sent that very note in an email, *to which Jackson responded*, just two weeks earlier.[140]

B. Jackson Violated Rule 8.04(a)(2) - Criminal Acts Reflecting Adversely on Honesty, Trustworthiness, or Fitness

Jackson's conduct also violated Rule 8.04(a)(2), which provides that a lawyer shall not "commit a serious crime or commit any other criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects." Although much of what was done by Jackson may fit within the elements of the other criminal offenses in Texas law, the criminal misconduct of Jackson in suppressing Webb's Motion to Recant Testimony is most obvious. *See supra* Part II(E)(2)(a) Sections 37.09 and 37.10 of the Texas Penal Code prevent tampering with governmental records and tampering with evidence. Section 37.09 of the Penal Code provides:

> A person commits an offense if, knowing that an investigation or official proceeding is pending or in progress, he:
>
> (1) alters, destroys, or conceals any record, document, or thing with intent to impair its verity, legibility, or availability as evidence in the investigation or official proceeding

Likewise under section 37.10 of the Penal Code:

> (a) A person commits an offense if he:
>
> (3) intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record;

Webb's Motion to Recant Testimony was both (1) documentary evidence in the ongoing Willingham capital murder proceedings as well as (2) a governmental record. The notation on the corner of Webb's Motion to Recant indicating review by Jackson and the absence of this unusual and uniquely relevant document in the district court's file is strong evidence that Jackson

[140] Appendix 43.

concealed this document with the intent to impair its availability to the defense.[141] Even if Jackson believed that the Motion was invalid, he had a ministerial duty to place the document in the court file, and Jackson's failure to do so was criminal, *see* Tex. Penal Code §§ 37.09; 37.10. At the very least, Jackson's conduct was manifestly inconsistent with Jackson's special obligations as a prosecutor (Rule 3.09), Jackson's duty of candor (Rule 3.03), Jackson's duty to ensure fairness in adjudicatory proceedings (Rule 3.04).

Jackson's actions in (1) instructing the clerk to misrepresent the judgment in Webb's case through his October 12, 1992 note and then (2) obtaining the nunc pro tunc reduction in the charge against Webb also constitutes tampering with a governmental record under section 37.10(a)(1) of the Penal Code. *See supra* Part II(B). As Jackson and Webb told the court and jury during Willingham's trial, and consistent with Webb's guilty plea, Webb was correctly convicted of aggravated robbery based on his guilty plea. Thus, Jackson's subsequent efforts to obfuscate the judgment and later obtain an amendment of the judgment, in exchange for Webb's cooperation, constitutes a "false alteration" under this Section 37.10 of the Texas Penal Code and violated Texas law on nunc pro tunc judgments.[142]

The evidence also strongly suggests that Jackson committed perjury or was party to perjury both through his presentation of Webb's testimony at trial as well as his

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[141] *See* Tex. Pen. Code 37.01(a) (1); 37.10 (a) (3).

[142] All of this conduct also violates Rule 3.04's provisions on fairness in adjudicatory proceedings. Under Rule 3.04(a), a lawyer shall not:

> (a) unlawfully obstruct another party's access to evidence; in anticipation of a dispute unlawfully alter, destroy or conceal a document or other material that a competent lawyer would believe has potential or actual evidentiary value; or counsel or assist another person to do any such act.

By secreting Webb's Motion to Recant and illegally changing Webb's aggravated robbery judgment, Jackson obstructed Willingham's access to evidence that could have proven his innocence and stopped his wrongful execution.

misrepresentations in his October 2010 affidavit. In relevant part, the Penal Code defines perjury as follows:

> (a) A person commits an offense if, with intent to deceive and with knowledge of the statement's meaning:
>
> (1) he makes a false statement under oath or swears to the truth of a false statement previously made and the statement is required or authorized by law to be made under oath;

Tex. Penal Code Ann. § 37.02(a). The Houston Court of Appeals defined the felony charge of aggravated perjury as follows:

> A person commits aggravated perjury if, with intent to deceive and with knowledge of the statement's meaning, he or she makes a false statement under oath in connection with an official proceeding and the false statement is material. Tex. Pen.Code Ann. §§ 37.02, 37.03, 37.04 (Vernon 2003). A statement is material if it could have affected the course or outcome of the official proceeding. *Id.* § 37.04(a). Testimony that could have affected the course of the proceeding is material when such testimony, if believed by the finder of fact, bears directly on the credibility of the State's witnesses. *Mitchell v. State,* 608 S.W.2d 226, 228 (Tex.Crim.App.1980). Materiality refers to statements having some substantial potential for obstructing justice and excludes utterly trivial falsifications. *Id.*

Prince v. State, 01-05-00443-CR, 2006 WL 407718 (Tex. App.—Houston [1st. Dist.] Feb. 23, 2006, pet. ref'd). Further, a person is liable as a party if he suborns the perjury of another:

> To suborn perjury, a party, acting with the intent to promote or assist a witness in committing perjury, must solicit, encourage, direct, aid, or attempt to aid the witness to commit perjury. *See Hardy v. State,* 246 S.W.3d 290, 296 (Tex.App.-Houston [14th Dist.] 2008, pet. ref'd); *see also* Tex. Penal Code Ann. § 7.02(a)(2) (West 2003).

Rodriguez v. MumboJumbo, L.L.C., 347 S.W.3d 924, 927 (Tex. App.—Dallas 2011, no pet.)

The documentary evidence, along with Webb's recent statements, demonstrate that Jackson suborned perjury at Willingham's trial through his questioning of Webb which elicited a false account of Willingham's confession as well as false denials of promises made to Webb by Jackson. *See supra* Part II(A)(B)(C). Jackson's October 2010 affidavit also constitutes perjury because it contains false denials of any deal with Webb. *See supra* Part(E)(3)(a). The October

2010 Affidavit can support a perjury charge against Jackson under Texas Penal Code Section 37.02(a)(1) even if no court or party saw or relied upon the affidavit. *See Martin v. State,* 896 S.W.2d 336 (Tex. Ct. App.—Amarillo 1995, no pet.) (citing *Welch v. State*, 157 S.W. 946 Tex. Crim. App. 1913)).

In addition to perjury, the documents and trial record in the case also establish that Jackson committed criminal contempt by violating Judge Douglas's pretrial order compelling disclosure of all information that would impeach a State's witness. *See supra* Part II(e)(1).

Section 21.002 (a) of the Texas Government Code provides courts with authority to "punish for contempt." In addition to this statutory mandate, Texas courts have inherent power to punish by contempt for violation of orders. *See Ex parte Hughes*, 759 S.W.2d 118, 120 (Tex. 1988); *Ex parte Browne*, 543 S.W.2d 82, 86 (Tex. 1976). Contempt of court is broadly defined as "disobedience to or disrespect of a court by acting in opposition to its authority." *In re Reece*, 341 S.W.3d 360, 364 (Tex. 2011) (internal quotation marks and citation omitted).

Criminal contempt can manifest in one of two ways. Contempt that occurs within the presence of a court is referred to as "direct contempt," *Ex parte Gordon*, 584 S.W.2d 686, 688 (Tex. 1979), and contempt that occurs outside the court's presence is known as "constructive contempt," *Ex parte Chambers*, 898 S.W.2d 257, 259 (Tex. 1995). As here, violating a court order in a criminal matter can qualify as contemptuous behavior. *See* 13 Tex. Jur. 3d Contempt § 11; *see also Ex parte Holmes*, 754 S.W.2d 676, 678 (Tex. Crim. App. 1988) (district attorney's violation of court order in criminal case). To constitute constructive criminal contempt for violation of a court order, there must be proof of: "(1) a reasonably specific order; (2) violation of the order; and (3) the willful intent to violate the order." *Ex parte Chambers*, 898 S.W.2d at

260. Additionally, conduct must "impede, embarrass, or obstruct the court in the discharge of its duties in order to constitute constructive contempt." *In re Reece*, 341 S.W.3d at 366.

In this case, the record clearly reflects an order made by the trial judge at a July 24, 1992 hearing in which the judge specifically granted Willingham's motion for disclosure of exculpatory information. Jackson did not object to the motion, and informed the judge:

> I don't know of anything that would be favorable to the defendant at this point. Certainly, that would fall into the category of a Brady-type function. I don't know of any evidence that's available to the State or in the possession of the State or that the State knows about. Certainly, I think we'd be under a duty to disclose that type of information should we be in possession of any.[143]

The trial judge also entered an order granting Willingham's request for disclosure of "evidence affecting the credibility of the Prosecution witnesses, including prior convictions, dishonorable discharges, or prior history of mental illness or psychiatric treatment. "[144] While Jackson did not agree to make an investigation of his witnesses, he again told the Judge he would disclose everything he knew.[145] Similarly, the trial judge granted a motion to compel disclosure of "nontestimonial evidence which conflicts with the testimony of any of the State's witnesses."

All of these orders required Jackson to disclose any express or implied bargain or promise made to Webb in exchange for his testimony. At the time of the trial, such information had been recognized as important *Brady* material for 20 years. *See Giglio v. U.S.*, 405 U.S. 150 (1972). Viewing Jackson's statements at the hearing and the considerable documentary evidence reflecting promises made to Webb, the evidence supports a finding that Jackson intentionally and willfully violated the trial court's specific order requiring disclosure. This constitutes criminal contempt. *See Ex parte Chambers*, 898 S.W.2d at 260.

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[143] TT Vol. 2:7-8.
[144] TT Vol. 2:10.
[145] *Id.*

C. Jackson Violated Rule 3.09 ("Special Responsibilities of a Prosecutor") and His Constitutional Obligations

Jackson violated Rule 3.09(d), which provides that a prosecutor in a criminal case shall "make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense . . . ." As detailed above, Jackson never disclosed to the defense any understanding or agreement with Webb in exchange for Webb's testimony (and, instead, represented to the jury that there was nothing Jackson could do for Webb). Had Jackson disclosed the truth about his understanding to help Webb in exchange for Webb's testimony (which, of course, is precisely what happened), those facts unquestionably would have tended to negate Willingham's alleged guilt, because it would have undermined Webb's credibility and thus weakened the State's case.

Jackson's conduct violated not only his special prosecutorial obligations under Rule 3.09(d), but Jackson also violated his constitutional obligations to protect the due process rights of defendants and ensure the integrity of our criminal justice system – the very constitutional obligations on which Rule 3.09 is based.

First, Jackson violated his disclosure obligations under *Brady* and *Giglio*. Two decades before Willingham's trial, the United States Supreme Court, in *Giglio v. United States*, 405 U.S. 150 (1972), held that the *Brady* disclosure rule required prosecutors to disclose impeachment and witness credibility-related information – e.g., benefits promised to a witness in exchange for their testimony. In *Giglio* – just as in Willingham – the prosecution presented a witness who testified he had not received any promises of leniency for his testimony, when in fact the witness had been promised that he would not be prosecuted when he testified before the grand jury. The Supreme Court held that due process required that evidence of any understanding between the witness and the prosecution be disclosed to the defense. *See Giglio*, 405 U.S. at 154 ("”When

the reliability of a given witness may well be determinative of guilt or innocence, nondisclosure of evidence affecting credibility falls within this general rule."); *id.* at 154-55 ("Taliento's credibility as a witness was therefore an important issue in the case, and evidence of any understanding or agreement as to future prosecution would be relevant to his credibility and the jury was entitled to know of it."). Jackson's conduct with respect to Webb is fundamentally at odds with the clear constitutional rule announced in *Giglio*, which was well-established by the time of Willingham's trial.

Second, the false impression created in the minds of the judge and jurors by Jackson's leading direct examination of Webb – during which he, in substance, represented that Webb had not and could not receive any benefits from Jackson in exchange for his testimony—violated basic constitutional requirements, which have been clearly established for many decades. *See, e.g.*, *Mooney v. Holohan*, 294 U.S. 103, 112 (1935) (holding that deliberate deception of a court and jurors by the presentation of knowingly false evidence is incompatible with "rudimentary demands of justice"); *Napue v. Illinois*, 360 U.S. 264 (1959) ("The same result obtains when the State, although not soliciting false evidence, allows it to go uncorrected when it appears.").

Jackson presented false and misleading evidence to the jury, and Jackson never corrected the record, even after he was deeply and personally involved in securing substantial benefits for Webb's cooperation and testimony against Willingham. To the contrary, Jackson continued to cite Webb's testimony as sufficient inculpatory evidence many years after the fact during the Court of Inquiry proceedings and in public statements in opposition to Petitioners' efforts to clear Todd Willingham's name and obtain a posthumous pardon. Of course, the credibility of Webb's testimony would, to say the least, have been substantially undermined if the true facts regarding the benefits Webb received were disclosed – yet Jackson never disclosed the facts.

D. The Statute of Limitations is no Barrier to Prosecution

The documentary evidence discussed in this grievance describes a decades-long scheme by Jackson to conceal his misconduct. *See supra* Part II(E). Some of the violations described above, such as those arising out of the October 2010 Affidavit and false statements to the press are within the four-year statute of limitation set forth in Rule of Disciplinary Procedure 15.06(A). However, Jackson's entire course of conduct falls within the limitations period because, as shown above, Jackson intentionally concealed the evidence of his misconduct—preventing discovery until only recently. Rule of Disciplinary Procedure 15.06(D) extends the general statute of limitations where there is fraudulent concealment:

> *Effect of Fraud or Concealment*: Where fraud or concealment is involved, the time periods stated in this rule do not begin to run until the Complainant discovered, or in the exercise of reasonable diligence should have discovered, the Professional Misconduct.

Accordingly, the statute of limitations on all of Jackson's misconduct did not begin to run until proof of an undisclosed deal with Webb was uncovered in the Navarro County District Attorney's file. This discovery took place less than four years ago and can best be marked by the November 2013 discovery of the note on the DA's file in Webb's case reflecting a deal "based on coop in Willingham."

Nor can Jackson shield himself from discipline by arguing that the evidence of his misconduct should have been discovered earlier with reasonable diligence. Petitioners' were reasonably diligent in relying on Jackson's prior statements that he had disclosed all exculpatory information and that there was no deal with Webb. Under a similar standard in the federal habeas context, the United States Supreme Court has held that post-conviction counsel is reasonably diligent, despite the failure to discover publicly available exculpatory evidence, where the prosecutor had the same evidence in his file and failed to disclose it:

> If it was reasonable for trial counsel to rely on, not just the presumption that the prosecutor would fully perform his duty to disclose all exculpatory materials, but also the implicit representation that such materials would be included in the open files tendered to defense counsel for their examination, we think such reliance by counsel appointed to represent petitioner in state habeas proceedings was equally reasonable.

Strickler v. Greene, 527 U.S. 263, 284 (1999); *accord Ex Parte Miles*, 359 S.W.3d 647, 664 (Tex. Crim. App. 2012) (*Brady* claim based on undisclosed police reports later obtained through public information act request was "not ascertainable through the exercise of reasonable diligence").[146] In applying the more stringent fraudulent concealment doctrine applicable to tort claims,[147] Texas courts have likewise tolled the limitations period where a plaintiff reasonably relies on a defendant's special duty to disclose information. *See, e.g., S.V. v. R.V.*, 933 S.W.2d 1, 8 (Tex. 1996) (tort by fiduciary inherently undiscoverable because fiduciary relationship rendered plaintiff unaware of need to inquire).

In this case, Jackson had a separate legal duty to disclose his deal with Webb both through the trial court's order on Willingham's Brady motion and Jackson's ethical responsibilities as a prosecutor. Instead of disclosing the information of his deal with Webb, Jackson expressly stated that no such information existed during the hearing on Willingham's Brady motion and then presented testimony from Webb that no promises were made and that Jackson could do nothing for him. Petitioners were reasonably diligent in relying on these

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[146] The impact of a prosecutor's special responsibilities on Rule of Disciplinary Procedure 15 is emphasized by the fact that the Rule extends the period of limitations well beyond the discovery of a prosecutor's misconduct and begins the period at the release of a wrongfully convicted person. See Tex. R. Disc. Proc. 15.06(C).

[147] There is an important difference between the fraudulent concealment standard in the Rules of Disciplinary Procedure and that set forth by the Texas Supreme Court applicable to civil tort claims. Under the tort standard, the statute begins to run at the time a plaintiff "could" have discovered the harm through reasonable diligence. *See BP America Prod. Co. v. Marshall*, 342 S.W.3d 59, 67 (Tex. 2011). The Disciplinary Rule tolls limitations until the time that a Complainant "should" have discovered the misconduct. Tex. R. Disc. Proc. 15.06(D). The use of the word "should" implies a lower standard which allows for tolling where it was possible for the complainant to have discovered the misconduct.

representations from Jackson, who was under orders from the Court to disclose the information that now forms the basis of Petitioners' Grievance. *Cf. Strickler*, 527 U.S. at 284.[148] Moreover, Willingham's trial lawyer David Martin made clear in closing argument that he had looked through Webb's court file and recited that Webb had been convicted of aggravated, first-degree robbery.[149]

Applying the standard of whether Petitioners "should have discovered the misconduct earlier" one must ask: Why would Petitioner's look in Webb's file when its contents were recited at trial? Who would even think that Jackson would allow the jury to believe that Webb was convicted of one offense, and then later alter that judgment to reflect a lower charge? Jackson hid the illegal nunc pro tunc reduction from Bill Price, the line district attorney who was opposing Willingham's execution eve application which included the Hurst report and the reviewing courts.[150] He affirmatively misled the BPP and the Governor in his ex parte letter in support of Webb's credibility and Willingham's execution. He even misled Lowell Thompson, the current Navarro County District Attorney, who used the original Aggravated First Degree Robbery as an enhancing charge against Webb recently in a pending assault case.[151] If the very prosecutors who were defending the Willingham conviction and death sentence were deceived by Jackson's efforts to cover up the nunc pro tunc reduction and other evidence of the deal with Webb, we cannot fathom how Petitioners "should have discovered" this misconduct through reasonable diligence and were not the victims of fraudulent concealment.

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[148] In *Strickler*, the Supreme Court held that it was reasonable for a defendant to rely even on implied representations that exculpatory evidence did not exist. 527 U.S. at 284. The misrepresentations in Willingham's case were far worse than in *Strickler*, as the documents reflect, Jackson made *express* misrepresentations to defense at trial, mislead his successors at the Navarro County District Attorney's Office who would otherwise have disclosed the information prior to the execution, and repeats these same false statements to this day.

[149] TT Vol. 13 at 25-26.

[150] Appendix 45 (Hinton Affidavit)

[151] Appendix 44 (Aggravated Assault Complaint).

Conclusion

While Jackson may have believed that his cause was just, even "noble," he violated core principles of the legal profession, and did so with terrible consequences. Petitioners contend Jackson's misconduct resulted in the execution of an innocent man – a morally and "constitutionally intolerable event," *Herrera v. Collins*, 506 U.S. 390 (1993) (O'Connor, J., concurring) – who, before his execution, had to suffer the unimaginable pain and indignity of being labeled a monster who murdered his own children. For all of the reasons stated above, Petitioners ask the Chief Disciplinary Counsel to find just cause for prosecution in this case and to demand a level of accountability commensurate with the harm resulting from Jackson's misconduct.

Dated: July 25, 2014

Respectfully submitted,

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APPENDIX 1

REPRODUCED FROM THE HOLDINGS OF THE TEXAS STATE ARCHIVES

I ask you to do this: As the State presents their case.

MR. JACKSON: Excuse me, Your Honor. I am going to have to object one more time. This is an argument. This is not on opening statement.

MR. MARTIN: This is not an argument. I am reminding the jurors of the obligation of the law and that alone, Your Honor.

THE COURT: We need to proceed, Mr. Martin.

MR. MARTIN: As the evidence is presented, please bear this in mind. The ultimate question for you to decide is: Has the State taken out of your mind and erased it as a possibility any other reasonable explanation for the circumstances that they present?

Thank you.

THE COURT: Call your first witness, Mr. Jackson.

MR. JACKSON: State calls Johnny Webb.

THE COURT: Were you sworn?

THE WITNESS: (Shaking head negatively)

THE COURT: Raise your right hand.

(Witness sworn)

REPRODUCED FROM THE HOLDINGS OF THE TEXAS STATE ARCHIVES

1 THE COURT: Take your seat there in the
2 witness chair.
3 MR. JACKSON: May I proceed?
4 THE COURT: Yes, sir. You may.
5 JOHNNY EVERETT WEBB,
6 After having been called as a witness by the State and
7 after having been first duly sworn to tell the truth, the
8 whole truth, and nothing but the truth, the witness
9 testified on his oath as follows:
10 DIRECT EXAMINATION
11 BY MR. JACKSON:
12 Q Would you state your name, please?
13 A Johnny Everett Webb.
14 Q Johnny, I think it's apparent the place that
15 you come from. Tell me where you live at this time.
16 A I live in Navarro County Jail, B-21 cell.
17 Q How long have you been in the Navarro County
18 Jail, Johnny?
19 A Six, seven months.
20 Q All right. My understanding is that you're
21 confined in the Navarro County Jail based on a robbery
22 conviction; is that correct?
23 A Yes, sir.
24 Q How long have you been in jail on this robbery
25 charge, Johnny?

REPRODUCED FROM THE HOLDINGS OF THE TEXAS STATE ARCHIVES

A Six or Seven months.

Q All right. It's my understanding that you were convicted of the crime of robbery back in March of this year; is that correct?

A I believe so.

Q All right. How old are you, Johnny?

A Twenty-two.

Q You have had a rather extensive criminal histroy, have you not?

A Yes, sir, I have.

Q You've been charged and convicted one time or another for stealing a car; is that right?

A Yes.

Q Of delivery of marijuana?

A Yes, sir.

Q Theft?

A Yes, sir.

Q Forgery?

A Yes, sir.

Q And of burglary, in addition to the robbery; is that right?

A Yes, sir.

Q Johnny, what is your problem as far as not being able to stay out of trouble?

A Drugs.

REPRODUCED FROM THE HOLDINGS OF THE TEXAS STATE ARCHIVES

1 Q I take it you are off drugs now.
2 A Yes, I am, Except for the medication.
3 Q Okay. You have any trouble with mental
4 impairment or anything like that, Johnny?
5 A Not always.
6 Q Okay. You have a good grasp of what is
7 happening around you?
8 A Yes, I do.
9 Q Okay. What kind of education do you have?
10 A About 10th grade.
11 Q All right. Johnny, while you were in jail, did
12 you come in contact with a person named Cameron Todd
13 Willingham?
14 A Yes, I did.
15 Q Is that the same Todd Willingham that is
16 present here in this courtroom today?
17 A Yes, it is.
18 Q Is he here seated at the counsel table with his
19 defense attorneys?
20 A Do what?
21 Q Is that the same Cameron Willingham seated here
22 with his defense lawyers?
23 A Yes, it is.
24 Q What do you do at the jail, Johnny?
25 A Housekeeper.

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1 Q Are you a trusty?
2 A Yes, sir, I am.
3 Q What does that mean?
4 A It just means I get to go out, clean up, you
5 know, in the morning and at night, just keep the floors
6 mopped, swept.
7 Q How did you happen to come in contact with
8 Cameron Willingham?
9 A Doing my normal thing, you know, just sweeping
10 and mopping every day.
11 Q Did you know what he was in jail for?
12 A When I first met him?
13 Q Yes, sir.
14 A No, sir, I didn't. It took me a couple days
15 before I found out what he was in jail for.
16 Q How did you find out?
17 A I was told.
18 Q By somebody else at the jail?
19 A Yeah.
20 Q Did you have a chance to engage him in
21 conversation?
22 A Yes, sir, I did.
23 Q Did he know what you were in jail for?
24 A I'm not sure. I don't know if I told him or
25 not. I imagine he does, though.

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1 Q Did you ever talk to him about why he was in
2 jail?
3 A Yeah, I did.
4 Q All right. Did anybody ever ask you to go find
5 out what Cameron Willingham knew about this crime?
6 A No, sir, they did not.
7 Q Were you working for any law enforcement agency
8 when you talked to him?
9 A No, I was not.
10 Q Did anybody ever threaten you or coerce you?
11 A No, sir, they never did.
12 Q What did Mr. Willingham tell you about the
13 incident of the fire at his house?
14 MR. MARTIN: Object to the hearsay, Your
15 Honor.
16 THE COURT: I overrule the objection.
17 MR. JACKSON: You may answer that
18 question.
19 THE WITNESS: He said he had done it.
20 BY MR. JACKSON:
21 Q Pardon?
22 A He said he had done it.
23 Q Can you tell us what he told you about those
24 events?
25 A Yes, sir.

REPRODUCED FROM THE HOLDINGS OF THE TEXAS STATE ARCHIVES

1 MR. MARTIN: We object, Your Honor, to
2 the hearsay.
3 THE COURT: I overrule the objection.
4 MR. JACKSON: You may answer that.
5 THE WITNESS: He was telling me about
6 something about he had came home or something, and he
7 was -- I don't remember exactly where he was at or what he
8 was doing -- but when he came in the house that one of the
9 babies were injured or dead or something like that and he
10 freaked out and --
11 Q Did he tell you who had injured the child?
12 A His wife.
13 Q All right. Please continue.
14 A And he didn't know what to do. She was crying
15 and going on, and he said he thought of a way to get them
16 all out of it by setting the house on fire.
17 Q Did he tell you what he did at that point?
18 A Yes, he did. He said that he took some kind of
19 lighter fluid, squirting around the walls and the floor
20 and set a fire.
21 Q Did he tell you anything else about how he
22 attempted to shift the blame from him to someone else?
23 A I'm not sure.
24 Q Did he tell you anything about what he did with
25 the children?

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1 MR. MARTIN: We object. Leading.

2 THE COURT: I overrule the objection.

3 THE WITNESS: Yes. He said that he had

4 burned one of the kids. I don't know which one, and I

5 assumed at the time that it was --

6 MR. MARTIN: We object to the witness

7 speculating.

8 THE COURT: I sustain the objection.

9 BY MR. JACKSON:

10 Q You can't tell us about your assumptions. Just

11 tell us what he told you.

12 A That he took some paper, wadded it up, and lit

13 a fire and burned one of the kids on their arm, on their

14 forehead to make it look like they were playing with fire.

15 Q What else did he say, Johnny?

16 A That he ran out of the house to go call 911,

17 and someone asked him to go get the kids. He said they

18 were still in the house, and someone told him to go get

19 them. He refused.

20 Q Did he tell you why he wouldn't go back in the

21 house?

22 A Because he knew they would find out one of the

23 babies was injured.

24 Q Did he say whether he left all the children in

25 the same room?

REPRODUCED FROM THE HOLDINGS OF THE TEXAS STATE ARCHIVES

1 MR. MARTIN: Object. Leading.

2 THE COURT: Overrule the objection.

3 THE WITNESS: No, he didn't.

4 BY MR. JACKSON:

5 Q Why did you decide to tell anyone about this

6 conversation?

7 A Because it got to bugging my conscience.

8 That's why -- I mean, three kids -- I mean, you know,

9 someone tells you something like that, it's not something

10 to be taken lightly.

11 Q Did it worry you?

12 A A lot, yeah.

13 Q Who did you tell about it?

14 A Robert Chapman.

15 Q Based on your conversation with Mr. Chapman,

16 did you elect to talk with me?

17 A Well, in a way. Not exactly you; but, you

18 know, I told him, I said, "What should I do 'cause I don't

19 really want to go get into it, but it's bugging me." And

20 he said, "Well, yeah, it's true."

21 MR. MARTIN: Object. Hearsay.

22 THE COURT: Overrule the objection.

23 THE WITNESS: But, you know, he said,

24 "Now it's on my conscience, too" because I had told him.

25 He said, "I don't think I can -- I don't think I can

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1 handle that on my conscience."

2 So it went on about three weeks. He said, "Look, do

3 you want me to tell someone?" I said yeah. That's when

4 he said, "Okay. I will tell them what you told me."

5 Q Do you remember the first time I talked to you,

6 Johnny?

7 A Yes, I do.

8 Q You remember the first thing I told you?

9 MR. MARTIN: Your Honor, we object to

10 hearsay.

11 MR. JACKSON: I will rephrase the

12 question, Your Honor.

13 THE COURT: All right, sir.

14 BY MR. JACKSON:

15 Q Do you remember our conversation when I first

16 met with you over across the street?

17 A Somewhat, yes, I do.

18 Q Johnny, have I ever promised you anything in

19 return for your testimony in this case?

20 A No, sir, you haven't.

21 Q As a matter of fact, I told you there is

22 nothing I can do for you.

23 MR. MARTIN: Object. Leading.

24 THE COURT: Overrule the objection.

25 THE WITNESS: You said there was nothing

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1 that no one can do for me.

2 BY MR. JACKSON:

3 Q Do you understand you placed yourself at risk

4 by coming forward with this testimony?

5 MR. MARTIN: Your Honor, we object to

6 that as leading, assuming some facts not in evidence.

7 THE COURT: Go ahead.

8 MR. MARTIN: There is no evidence

9 whatsoever that he has been placed at risk at all in any

10 way.

11 THE COURT: I sustain the objection.

12 MR. JACKSON: Pass the witness.

13 MR. MARTIN: Judge, I need to get the

14 black board, if I may.

15 THE COURT: Sure.

16 CROSS-EXAMINATION

17 BY MR MARTIN:

18 Q Mr. Webb, how long have you been in jail?

19 A Six, seven months.

20 Q And you were in jail -- this time, was it

21 robbery or burglary?

22 A Both. Burglary, robbery and forgery.

23 Q Who did you rob? A woman?

24 A Yes.

25 Q Robbed her of her purse?

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A No, I did not.

Q What did you take?

A Nothing.

Q You were charged with robbery, yet, you did not take anything?

A True.

Q Tried to take something?

A What they say I did.

Q But it's not true?

A I don't know if it's true or not.

Q You don't know whether you are guilty of robbery or not?

A True.

Q They did a fabrication on the part of the police?

A I doubt that very seriously.

Q Then you think it is true?

A I could have done it, but I do not remember doing it.

Q Because you were under the influence of drugs?

A True.

Q What kind of dope was it? Crack cocaine?

A Marijuana and drink.

Q You been smoking marijuana and drinking since you were nine?

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1 A About that, yes.

2 Q And have smoked marijuana and drank liquor

3 since the age of nine until -- how old are you now?

4 A Yes, drink, until I was 16 or 17.

5 Q All right. Smoked marijuana since you were

6 nine?

7 A Right.

8 Q And on occasion you have mental difficulties?

9 A Yes, sir.

10 Q You are on medication for that now?

11 A Yes, sir.

12 Q And what has the doctor diagnosed your mental

13 problem as being?

14 A Post dramatic stress disorder.

15 Q And what is it that caused the stress and the

16 trauma?

17 A I decline to answer that question in open

18 courtroom.

19 Q Well, I ask you to answer me immediately. What

20 caused it?

21 A I still decline.

22 MR DUNN: May we have an instruction,

23 Your Honor. I think that's very probative in the

24 credibility of this witness.

25 THE COURT: Mr. Webb, you need to answer

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1 that question.

2 THE WITNESS: I was assaulted in the

3 penitentiary.

4 BY MR. MARTIN:

5 Q And that was when?

6 A '88.

7 Q And how long were you in the penitentiary that

8 time?

9 A Thirty days shock probation.

10 Q And you were sexually assaulted?

11 A Yes.

12 Q Raped by an inmate?

13 A Yes.

14 Q I don't mean to be indelicate, but you can see

15 this is quite important, can you not?

16 A Yes.

17 Q And since that time -- and we sympathize with

18 you; we do -- but since that time, you have suffered

19 off-and-on mental difficulties?

20 A Yes, I have.

21 Q And would you tell us what the medication is

22 that you take now?

23 A It's Elavil, but I get the generic form.

24 Q It's prescribed to you by a doctor?

25 A Yes, it is.

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1 Q You've seen a psychiatrist?
2 A Yes, I have.
3 Q He has diagnosed you as having these mental
4 problems?
5 A Yes, he has.
6 Q And you went to jail this time, did you tell
7 me, in February?
8 A No, I did not tell you February.
9 Q What did you say?
10 A I believe I came to jail January the 9th of
11 this year.
12 Q Oh, and have been in there continuously since
13 that time?
14 A I have never been out since January the 9th.
15 I've been there continuously.
16 Q But the last day that you had outside of the
17 jail, you were under the influence of marijuana and
18 liquor? Is that the day you were arrested?
19 A I was under the influence of not only marijuana
20 and alcohol but, yet, crack cocaine, too, the day I was
21 arrested.
22 Q And how long had you used crack cocaine?
23 A Probably four or five months.
24 Q And do you steal to get money to buy crack?
25 A Most people do.

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1 Q Is it possible for you to describe for us the
2 strength of the addiction to crack cocaine? Would you say
3 it is utterly overwhelming to be --
4 A No, I wouldn't.
5 Q You can control your actions when you were
6 under its influence?
7 A Sometimes.
8 Q And sometimes you cannot?
9 A Right.
10 Q The strength of the addiction is so strong that
11 you will go out and rob people, correct?
12 A Some people do.
13 Q You do, do you not?
14 A No, I did not.
15 Q So, are you telling us that you did not rob
16 someone or that you did or that you just don't know?
17 A I'm telling you I did not rob someone for the
18 money to get crack cocaine.
19 Q Why did you rob them?
20 A I don't know as if I did.
21 Q But you pled guilty to robbing someone.
22 A Well, it seems pretty weird that someone would
23 come up and say I tried to rob them when I didn't, don't
24 you think?
25 Q I don't know.

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1 But, in other words, are you telling us that
2 you stood her -- was it in this courtroom?
3 A Yes, it was.
4 Q You were placed under oath just like you were
5 now?
6 A Yes, I was.
7 Q Swore to the Court that you committed this
8 robbery?
9 A Yes, I did.
10 Q But you can't remember whether you did so or
11 not?
12 A True.
13 Q I suppose that you and Todd Willingham have
14 been friends for a great many years?
15 A No.
16 Q You haven't been?
17 A No, we haven't.
18 Q You met him only when?
19 A Jail.
20 Q In jail this year. And do you remember when
21 this year in jail?
22 A Between January 9th and January 30th.
23 Q You met him first in January?
24 A January or first of February.
25 Q And you were in the same cell with him, and you

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1 were friends with him and talked to him every day?
2 A I was not in the same cell with him.
3 Q You were not in the same cell, but you talked
4 to him for hours at a time, no doubt?
5 A Probably 30 minutes to an hour, yeah.
6 Q When? Once a day?
7 A Once or twice.
8 Q And in some hidden spot there of the jail where
9 no one else could hear you?
10 A No. Anyone could have keyed a mike in on the
11 telephone on the speaker system and heard exactly what I
12 was saying.
13 Q This occurred under a speaker in the jail?
14 A Yes, it did.
15 Q The deputies could have heard?
16 A The deputies could have heard.
17 Q Anybody else in the cell could have heard?
18 A Not unless --
19 Q -- they were listening?
20 A Yes.
21 Q You see what I've drawn here on the board? You
22 don't know what this is yet, do you?
23 A No, I don't.
24 Q Well, what this is meant to be is a drawing of
25 the place where you say this conversation took place there

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1 in the jail. This is meant to represent Cell Block 38,
2 okay.
3 Is that any more familiar to you now? Do you
4 recognize this as the small area outside the cell blocks?
5 A Yes, I do.
6 Q And right out here a few feet away is the
7 control room where a deputy stays; isn't that right?
8 A Yes, it is.
9 Q And this is where you would go into this little
10 area here to pick up trays and sweep up?
11 A Just sweep up. I never picked up trays.
12 Q You just go in there to sweep?
13 A Sweep and mop.
14 Q Okay. The deputies stay in this control room?
15 A Yes, he does.
16 Q And this is all glass right here, isn't it?
17 A Yes, it is.
18 Q And this is all glass, isn't it?
19 A Except for the metal.
20 Q Metal door?
21 A Yeah.
22 Q But there are no bars, right?
23 A No bars.
24 Q There is no solid steel doors in this area, is
25 there?

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1 A No, there's not.
2 Q Anybody standing anywhere out here or in these
3 cells could see you standing here, couldn't they?
4 A Sure could.
5 Q And could see Todd standing there, right?
6 A Yes.
7 Q He's not in solitary confinement or anything,
8 is he?
9 A No, sir, he's not.
10 Q There are three cells right here, aren't there?
11 A Yes, there is.
12 Q And this is the day room area with the table
13 and television set, right?
14 A Yes, it is.
15 Q And during the day the prisoners in that cell
16 block can come out there, wonder around, eat, watch TV,
17 right?
18 A Right.
19 Q And same is true for this cell block and this
20 cell block, true?
21 A True.
22 Q Everybody over here can see everybody over here
23 if they are standing around the door, can't they?
24 A Yes, they can.
25 Q The deputies can see everybody all the time,

REPRODUCED FROM THE HOLDINGS OF THE TEXAS STATE ARCHIVES

1 can't they?

2 A Sure can.

3 Q Because it's glass all the way through here and

4 here, right?

5 A Yes, it is.

6 Q Wouldn't you agree that it was made so that the

7 deputy could see everybody sitting from the control room?

8 A That's the purpose, yes.

9 Q And inside this room, this door shuts and

10 locks, doesn't it?

11 A Yes, it does.

12 Q Inside this room there is an intercom, isn't

13 there?

14 A Yes, there is.

15 Q The deputy in the courtroom (sic) can listen to

16 every conversation in there, can't he?

17 A Yes, he can.

18 Q And what you are telling us is that Todd

19 Willingham stood at this door and talked to you through

20 the food tray slot, correct?

21 A Correct.

22 Q I want to show you a videotape of this area and

23 ask you to tell us whether it is exactly the spot where

24 you are saying you were, okay?

25 (Videotape playing)

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1

2 BY MR. MARTIN:

3 Q Is that it? Is that the door?

4 A It may be -- yeah, that's it.

5 Q This is where you say you stood while this

6 conversation was taking place, right?

7 A Yes.

8 Q Prisoners in here, right?

9 A Yeah.

10 Q Prisoners in here?

11 A Uh-huh.

12 Q All these food trays stay out all the time,

13 don't they?

14 A Yes, they do.

15 Q Just like that?

16 A Just like that.

17 Q There's where Todd is locked up. There's other

18 prisoners in there with him, correct?

19 A I would assume so.

20 Q Well, there were other people in there when you

21 say you were talking to him, weren't there?

22 A I believe there was.

23 Q And so you are telling us that standing there

24 at this food tray slot with these other people around, a

25 person whom you did not know before you met them in jail

REPRODUCED FROM THE HOLDINGS OF THE TEXAS STATE ARCHIVES

1 confessed to you that he had murdered his three children?

2 A True.

3 Q Told you all about those details that you

4 described?

5 A Yes, he did.

6 Q And you were dumbfounded?

7 A I don't understand the word "dumbfounded".

8 Q You were shocked?

9 A Yes, I was.

10 Q You were surprised --

11 A Yeah.

12 Q -- that anybody would do such a bizarre thing?

13 A Yes.

14 Q First time it's ever happened to you? Someone

15 confess to you?

16 A Yes.

17 Q Never happened before?

18 A Not with something like this, no.

19 Q You took some notes?

20 A No, I didn't take no notes.

21 Q Can you write?

22 A Yes, I can write.

23 Q And read?

24 A Yes.

25 Q You took no notes?

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1 A (Shaking head negatively)

2 Q This conversation occurred over the course

3 of -- what did you tell us -- two or three weeks?

4 A About a month.

5 Q Over a month's time?

6 A Yes.

7 Q Bits and pieces picked up over 30 days or so?

8 A No.

9 Q How did it happen?

10 A Well, I had been talking to him and he had been

11 having --

12 Q Talking to him about what? Just --

13 A Everyday events, things. He was having a hard

14 time sleeping and asked me if I would give him some of my

15 medication. I said yes, I would.

16 Q And you did?

17 A Yes, I did.

18 Q Had it in your pocket?

19 A Yes, I did.

20 Q Is it sleeping pills?

21 A Yes, it is.

22 Q Is that the only kind of medication you had?

23 A No, it's not.

24 Q You had some other medication on you?

25 A Yes.

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1 Q And the people of the jail just let you wonder
2 through the jail with medicine in your pocket?
3 A No, they don't.
4 Q But you had it with you?
5 A Yes.
6 Q Weren't supposed to?
7 A Wasn't supposed to.
8 Q How did you get it?
9 A Through the nurse.
10 Q Was she supposed to give it to you?
11 A Yes, she was.
12 Q What were you supposed to do with it?
13 A Take it.
14 Q Take it and put it up?
15 A No. Take it by mouth.
16 Q But you didn't?
17 A Yes.
18 Q You just stuck it in your pocket?
19 A Not all of it. I would give him, like, one
20 pill every now and then to help him sleep because he said
21 he was having a real hard time sleeping. He was telling
22 me about the case the whole time, but he was always
23 telling me that he didn't do it. Then one day, mainly, he
24 just broke down and said, "I done it."
25 Q Cried, no doubt?

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1 A Yeah.

2 Q And everybody could see him there crying,

3 confessing to you?

4 A No. There was no one at the other doors.

5 Q Everybody was --

6 A -- watching TV.

7 Q Okay. And the television, as I recall, in this

8 cell block is about right here?

9 A Yes, it is.

10 Q And the television in the other day rooms is

11 always up near the front, isn't it?

12 A No. It's about middle-ways of the wall back.

13 Q Back down here somewhere?

14 A No. On this other one.

15 Q We will watch the tape again in a minute see if

16 we can see.

17 No one else was in Todd's cell except him?

18 A I don't remember. There might have been

19 someone laying in there. I don't remember.

20 Q So, in other words, he talks to you about it

21 for 30 days, says he didn't do it. Then all at once, much

22 to your surprise, he confesses?

23 A True.

24 Q You go back to your cell; you write down what

25 he said?

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A No.

Q You just remembered it?

A Yes.

Q This occurred when?

A About in April, I would imagine.

Q And then you told us that you told the deputy --

A Robert Chapman.

Q -- a month later?

A No. About a week later. A week later, but, you know, I told him I didn't want him to tell what I knew. He said that he wouldn't, and I kept talking to him. He said, "Well, man --" he says, "-- what are you going to do about that?" I said, "I don't know what to do. I really don't want to get involved in it." He said, "Yeah, but the man told you something that people really do need to know. I mean, if the dude done it, then you need to tell someone." You know, it got to bugging me.

Q But you slept on it for a week?

A Hum?

Q You didn't tell anybody for a week?

A No. Robert, that's it.

Q Okay. But for the first week after this supposed confession, you didn't say anything to anyone?

A No.

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1 Q Didn't tell anyone at all?
2 A No.
3 Q Then a week later your conscience began to
4 bother you?
5 A My conscience bothered me from the day he told
6 me.
7 Q You told the deputy sheriff that sombody had
8 confessed three murders to you, and he asked you what you
9 were going to do about it?
10 A Well, you know, I considered him my friend. I
11 said, "Look, can I tell you something without you telling
12 anybody?"
13 Q And for three weeks this secret was kept
14 between you and he?
15 A Yes, until he made the decision that it was the
16 right decision. He just wanted me to do the right thing.
17 That's what I tried to do.
18 Q You know Joe Jackson?
19 A Yes, I do.
20 Q He was in the cell with James McKnight? Do you
21 know the FBI agent, Mike McKlusky? You know him, don't
22 you? You know any FBI agents at all?
23 A No, I don't.
24 Q Mr. Webb, aren't you the same Mr. Webb that
25 made a complaint to the FBI in May of this year that you

REPRODUCED FROM THE HOLDINGS OF THE TEXAS STATE ARCHIVES

1 were being physically abused in the jail?

2 A No, I'm not.

3 Q You called the FBI --

4 A No, I did not.

5 Q -- in Dallas? They came down here to

6 investigate?

7 A No, I did not.

8 Q You were interviewed by the FBI in May?

9 A No, I was not.

10 Q Not at all? That's not true, not any of it?

11 A No, sir, it's not.

12 Q You never made a complaint to the FBI?

13 A No, sir, I haven't.

14 Q Joe Jackson?

15 A He's a black guy that was in Cell 44.

16 Q It's around here?

17 A Yes, sir.

18 Q Where? Over here?

19 A No, next one.

20 Q Here?

21 A Right there.

22 Q And how long was Joe in there?

23 A I don't know, four, five months, maybe longer.

24 I can't remember.

25 Q How did you know him, just like you did Todd?

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A Just came around. You know, they ask us for bleach to clean their showers. We give them the stuff. That's about it.

Q How did you learn his name?

A Well, I've known him before from jail. I've been there. I know who he is.

Q This wasn't the first time you met him?

A No, it wasn't.

Q Now, presently, you are under a sentence of 15 years to do in the penitentiary?

A True.

Q Is that aggravated or non-aggravated?

A Aggravated.

Q How much time do you understand that you will stay at minimum in the penitentiary?

A Three years, nine months.

Q And when were you sentenced to that?

A Sometime either in late January or early February.

Q Do you know why you are still here?

A Basically, no, I don't. I think to testify on this, but I'm not sure.

Q You should have gone to the penitentiary before now, but you you've been held over to testify here?

A Not necessarily. There's another person in

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1 jail that's got 35 years aggravated. He's been there 18
2 months. They are not really rushing to get anybody with
3 aggravated time out because they got so much time to do.
4 Q Would you tell us what the symptoms of your
5 mental problems have been? Depression?
6 A Yes.
7 Q Loss of sleep?
8 A Yeah, I've lost a lot of sleep.
9 Q Mental confusion?
10 A I wouldn't say mental confusion.
11 Q You mean, you don't know that you robbed
12 somebody, but you are not mentally confused?
13 A I think I was so blitzed on drugs, you know, I
14 blacked out.
15 Q And how long have you been on medication?
16 A Two years.
17 Q Continuously for two years?
18 A Not continuously.
19 Q Just off and on?
20 A Off and on.
21 Q Have you been on medication for your mental
22 problems the entire time you've been in jail?
23 A Yes, I have.
24 Q Been taking medicine every day for the entire
25 time you've been in jail?

REPRODUCED FROM THE HOLDINGS OF THE TEXAS STATE ARCHIVES

A Yes, I have.

Q It was prescribed to you by the jail nurse?

A By the jail doctor.

Q Who is that?

A Barnaby.

Q Can you tell us how many times you've been interviewed by the prosecutors in this case?

A As in who?

Q Mr. Jackson, Mr. Bristol, mister --

A I've been interviewed about four times.

Q Did you ever make any notes about any of it?

A No.

Q Can you tell us when you are expecting to go to prison?

A I expect to go whenever they make a list and put my name on it.

MR. MARTIN: Pass the witness.

REDIRECT EXAMINATION

BY MR. JACKSON:

Q Johnny, I believe you told Mr. Martin that this defendant was having a hard time sleeping; is that right?

A Yes, it's true.

Q He told you why he was having a hard time sleeping, didn't he?

MR. MARTIN: Object. Leading.

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1 THE COURT: Overruled.

2 THE WITNESS: Yes, he did.

3 Q He told you he killed his children, didn't he?

4 A Yes, he did.

5 Q He told you he needed your sleeping medication

6 to sleep; is that right?

7 A True.

8 Q You understand there's going to be lots of

9 problems for you associated with giving this testimony,

10 don't you?

11 A I'm well aware of that fact.

12 Q What happens to people who give this type of

13 testimony in your situation?

14 MR. MARTIN: Your Honor, we object to

15 that as calling on the witness to speculate to things.

16 Irrelevant. No personal knowledge.

17 MR. JACKSON: Let me rephrase that.

18 BY MR. JACKSON:

19 Q Do you have personal knowledge of people who

20 have given information about fellow inmates?

21 A Not really.

22 Q You have information of what's happened to you

23 after you've given information about fellow inmates, don't

24 you?

25 A Yes, sir.

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1 Q What has happened to you?

2 MR. MARTIN: We object to that as being

3 irrelevant.

4 THE COURT: I overrule the objection.

5 THE WITNESS: My life has been threatened

6 as well as my family's life. And if I make it to the

7 penitentiary, then I'm going to be in deep trouble.

8 Q Who has threatened you, Mr. Webb?

9 A Two people, sir. Robert Lyles and Todd

10 Willingham.

11 Q What did Mr. Willingham say he would do?

12 A He just pointed his finger at me. He did like

13 this.

14 MR. JACKSON: Let the record show, Your

15 Honor, that the witness has drawn a his finger across his

16 neck.

17 THE COURT: The record will so reflect.

18 BY MR. JACKSON:

19 Q Mr. Webb, you gave a written statement to a

20 deputy sheriff in this case, I believe; is that correct?

21 A True.

22 Q In that written statement, I believe you said

23 Todd Willingham told you --

24 MR. MARTIN: Your Honor, we object to

25 this as an improper attempt to bolster the witness'

REPRODUCED FROM THE HOLDINGS OF THE TEXAS STATE ARCHIVES

1 statements.

2 MR. JACKSON: The credibility of this

3 witness has been substantially attacked during

4 cross-examination. I think I'm entitled to do that.

5 THE COURT: Rephrase your question, Mr.

6 Jackson.

7 BY MR. JACKSON:

8 Q Did Todd Willingham tell you he poured lighter

9 fluid on the children's floor of the children's room in an

10 X pattern?

11 A Yes, he did.

12 Q Did he tell you he removed one of the children

13 to a different location in the house?

14 A No, I don't think he said that.

15 Q Okay. You made a statement at an earlier time,

16 I believe --

17 MR. MARTIN: We object to this again as

18 an improper attempt to bolster the witness. It's also

19 leading.

20 THE COURT: Overrule the objection

21 BY MR. JACKSON:

22 Q I believe you said at one point he said he

23 moved one of the kids from one room to another; is that

24 right?

25 MR. MARTIN: May the record reflect that

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1 the prosecutor is showing the witness a piece of paper.

2 THE COURT: Yes, sir.

3 MR. MARTIN: May we know for the record

4 what the prosecutor is showing the witness?

5 MR. JACKSON: I will be happy to offer it

6 at any point you choose, Mr. Martin.

7 MR. MARTIN: I'm not offering it.

8 BY MR. JACKSON:

9 Q In that statement you said, "He then moved one

10 of the kids from one room to another, then started the

11 fire in the hallway." Would that be a fair statement?

12 A Yes, I believe it would.

13 Q Are you scared of Todd Willingham?

14 A Scared of what could happen through the people

15 he knows, yes.

16 MR. JACKSON: Pass the witness.

17 RECROSS-EXAMINATION

18 BY MR. MARTIN:

19 Q Now, Mr. Webb, you told us twice that Todd

20 didn't say anything to you about taking one of the

21 children to another room; and then when the prosecutor

22 showed you the script, you changed your mind. Now, which

23 one is it?

24 A I think he said -- you know, I can't remember

25 exactly; but I think that's probably right.

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1 Q After being reminded by Mr. Jackson of what you
2 said in the script he showed you, right?
3 A Not just that. It's just, you know, that's
4 probably right.
5 Q Now, when Todd supposedly told you this, you
6 didn't think too much about it, did you?
7 A At first, no. It stunned me. I didn't really
8 know what to think.
9 Q Well, you said in the past that you didn't
10 think too much about what he told you, did you?
11 A I don't believe I've made that statement.
12 Q Well, let me show you what Mr. Jackson showed
13 you that he provided me. Didn't you say, "In the past at
14 first I did not think too much about what Todd told me?
15 A Probably, yeah.
16 Q You said that, didn't you?
17 A Yes, I did.
18 Q Now, are you swearing to this jury that you
19 never made a complaint to the FBI about being abused in
20 jail?
21 A I have never been abused in jail.
22 Q Are you swearing that you did not complain to
23 the FBI this year that you had been abused in jail?
24 A I have never complained to the FBI.
25 MR. MARTIN: Pass the witness.

REPRODUCED FROM THE HOLDINGS OF THE TEXAS STATE ARCHIVES

FURTHER DIRECT EXAMINATION

BY MR. JACKSON:

Q Johnny, has Mr. Martin said anything that would make you doubt your testimony here this morning?

A No, sir.

Q Does it remain your testimony that Cameron Willingham said he killed his children?

A Yes, it does.

MR. JACKSON: Pass the witness.

MR. MARTIN: No further questions.

THE COURT: You may step down,

Members of the jury panel, at this time we are going to take about a ten-minute recess.

It's very important to continue to remember the instructions previously given everybody with reference to conversation among yourselves or with anyone else.

If you happen to -- if you run into some of the people in the audience outside the courtroom, if you are outside the courtroom, if anyone attempts to talk to you about this case, you need to let me know about it at once, okay.

You can go in the jury room.

(Recess)

APPENDIX 2

NO. 24490-CR

THE STATE OF TEXAS

VS.

JOHNNY E. WEBB

IN THE DISTRICT COURT

OF

NAVARRO COUNTY, TEXAS

STIPULATION OF EVIDENCE

Comes now Johnny E. Webb, the Defendant in the above entitled and numbered cause, in writing and in open court, and consents to the stipulation of the evidence in this case and in so doing expressly waives the appearance, confrontation and cross examination of witnesses. I further consent to the introduction of testimony by affidavits, written statements of witnesses, and other documentary evidence. I further consent and agree to any other stipulations appearing of record herein. Accordingly, having waived my Federal and State constitutional right against self-incrimination and after having been sworn, upon oath, I judicially confess to the following facts and agree and stipulate that these facts are true and correct and constitute the evidence in this case.

Said Defendant in person together with his counsel and the attorney representing the State of Texas agrees and stipulates that he, the said Defendant, is the identical person referred to in the stipulated evidence herein, and if the witnesses herein mentioned were present and testifying under oath they would identify the defendant as the person of whom they speak in said stipulations.

I, the Defendant in this case, judicially confess to the following facts and agree and stipulate that these facts are true and correct and constitute the evidence in this case:

On the 1st day of January, 1992, in Navarro County, Texas, I did then and there while in the course of committing theft, and with intent to obtain property of Shirley McAdams, to wit: a purse, without the effective consent of the said Shirley McAdams, the owner thereof, and with intent to deprive the said Shirley McAdams of said property, I did then and there intentionally and knowingly place Shirley McAdams in fear of imminent bodily injury by using and exhibiting a deadly weapon, to wit: a knife. I further agree that I am one and the same

State's Exhibit #1

CERTIFIED A TRUE COPY
MARILYN GREER
DISTRICT CLERK, NAVARRO COUNTY, TX
ATTEST:
BY: DEPUTY

PAGE ONE OF TWO

FILED
At 1:00 o'clock P M
MAR 06 1992
By:
Clerk, District Court Navarro County, Texas

person named in the indictment in this case, and that all allegations contained therein are true and correct.

Defendant

SWORN TO AND SUBSCRIBED before me on this 6 day of March, 1992.

District Clerk
Navarro County, Texas

THIS PAGE, AND ALL PRECEDING PAGES OF THIS STIPULATION, ALL UNDER ONE BLUEBACK COVER, APPROVED:

Defendant

Attorney for Defendant

Attorney for State

District Judge

APPENDIX 3

THE COHEN LAW FIRM

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BETTINA JORDAN
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TDCJ / Parole Division 1991-1998
Board of Pardons and Paroles / Hearing Officer Administrator 1998-2005

CAMILLA BANDA
Paralegal

11 February 2014

The Texas Board of Pardons and Paroles
8610 Shoal Creek Blvd.
Austin, Texas 78757

RE: Posthumous Pardon Application for Cameron Todd Willingham

Dear Board Members:

I am writing at the request of counsel for Petitioners in the above referenced matter to provide my opinion regarding parole consequences of Johnny Webb's conviction for an Aggravated Robbery committed on or about January 1, 1992. I have reviewed the records regarding this crime that show that Mr. Webb pled guilty to an Aggravated Robbery that involved the use of a Deadly Weapon; to wit, a knife.

An offender convicted of Aggravated Robbery, a first degree felony, in 1992 would have been required to serve twenty-five (25%), calendar time, of his sentence before becoming eligible for parole consideration. Thus, Mr. Webb, who was sentenced to fifteen (15) years confinement for the offense of Aggravated Robbery, would have been required to serve three years and nine months before becoming parole eligible.

A review of the transcript of Mr. Webb's testimony reveals that to have been his understanding as well. Mr. Webb testified in 1992 that he was in fact convicted of an aggravated offense and that he would have to serve three years and nine months before becoming parole eligible. This testimony is consistent with the law in effect at the time of his commission of the offense of Aggravated Robbery, a first degree felony. If Mr. Webb had pled guilty to the lesser included offense of Robbery, a second degree felony, his parole eligibility calculation would have been based upon a combination of calendar time served, plus earned good time credits. With the good time credits factored into the equation, he would have been eligible for release to parole supervision in approximately half the time.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Gary Cohen

APPENDIX 4

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8 **********
9 TRANSCRIPT OF INTERVIEW
Johnny Webb
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22
23 Transcribed by: Paige S. Watts
CSR No. 8311
24 Job No. 187953
25

1 (Audio file begins)
2 MR. HINTON: Needs as much help as
3 possible. Let me explain to you who I am, and why I'm
4 here. I got a call from your lawyer a couple, three
5 weeks ago I guess it was and he said are you involved in
6 looking into this Willingham matter and I said, yes, I
7 am. He said, I've got some things I want to share with
8 you with the permission of my client, Johnny Webb, and I
9 wanted to let you know this because it's interesting
10 information that you might need or want to have.
11 And it was very nice of him to call, and
12 we've talked several times since then. I'm not here to
13 help you. I'm not here to do anything except find out
14 what the truth is. I don't know if it will ever help
15 you, and it could very well hurt you. I don't know.
16 But I want to make sure that we understand up front that
17 you understand I'm not here to help you.
18 MR. BILTZ: I'm your lawyer.
19 MR. HINTON: Yeah.
20 MR. BILTZ: I'm the only one you enjoy
21 the attorney-client privilege with. Okay?
22 MR. HINTON: Yeah.
23 MR. BILTZ: And that's what he's trying
24 to tell you. He's not here coming working as your
25 lawyer on this aggravated assault case. I'm the only

1 lawyer on that.
2 MR. HINTON: Right.
3 MR. BILTZ: He may be able to offer you
4 some things that will advance our interest if we should
5 so determine if they are in our interest, okay, which
6 brings us to what this is here. This authorization --
7 remember all the stuff we're trying to run down? If you
8 want some assistance in getting our records from the
9 Ocean Corporation, from the college, from TDC, all the
10 records that we're wanting to get that we're running
11 down, they will -- with your permission -- help
12 facilitate the search for these records that we need and
13 that's what this document is. It's saying that you
14 understand -- that you give them permission to get
15 documents related to -- related to your incarceration at
16 TDC,J, Board of Paroles, Joseph Porto.
17 Okay, now let's talk about -- you know
18 Joseph?
19 MR. WEBB: Uh-huh.
20 MR. BILTZ: He's your Houston lawyer,
21 right? That's the guy. Would it be okay if we said,
22 "Hey, Joe, we want to get the records? Like we were
23 discussing, we want Johnny's payment records and payment
24 history and payment stubs, all that stuff." Okay.
25 Who's Roland Moore?

1 MR. HINTON: Roland Moore is in Joe
2 Porto's office.
3 MR. BILTZ: Oh, okay.
4 MR. HINTON: Or he was at that time. Joe
5 Porto is now an Assistant United States Attorney in the
6 Southern District of Texas.
7 MR. BILTZ: Oh, that's right. Okay,
8 okay.
9 MR. HINTON: But one of the court
10 settings that we saw evidence of in Harris County, he
11 signed on in place of Joe Porto.
12 MR. BILTZ: Okay.
13 MR. HINTON: He was there instead of Joe
14 Porto. I don't know if --
15 MR. BILTZ: It must have been his
16 associate or something.
17 MR. HINTON: Something like that.
18 MR. BILTZ: Okay.
19 MR. HINTON: This --
20 MR. WEBB: Well, you shouldn't want to go
21 through it. It may hurt me.
22 MR. HINTON: Well, I mean here's the
23 situation. What you have told your lawyer and what he
24 has told me, I -- we want to make sure that we can
25 corroborate everything and if we are able to corroborate

1 things, it very well may set off a very volatile
2 situation here in our county.
3 MR. WEBB: I know it will.
4 MR. HINTON: Yeah, it will. And I wanted
5 to make sure that you understood from the get-go there
6 may not be anything good to come of it for you. Maybe
7 something bad come of it for you. Maybe something good
8 come of it for you. But all I'm concerned with is
9 getting to the truth of some matters that I believe if
10 we're able to corroborate things that you have brought
11 up to your lawyer and you've authorized him to share
12 with me, I think that's going to create a situation that
13 will eclipse a much larger than an aggravated assault on
14 Johnny Webb.
15 MR. WEBB: Well, this is my concern and
16 this is my only concern. What criminal responsibility
17 do I have in Federal court?
18 MR. HINTON: It depends on what direction
19 this thing takes. We are confident that on a proffer,
20 if we get to the point of corroboration and we approach
21 the United States Attorney's Office on this with a
22 proffer of testimony, we expect that they would see the
23 reason behind granting you immunity. I can't grant you
24 immunity. The United States Attorney's Office can or
25 the Court can through the United States Attorney's

1 Office and I expect that would be the case because if
2 that were not the case, then this would end because
3 you're not -- your lawyer is not going to allow you to
4 get into a situation where you're going to be giving
5 evidence that would incriminate you. It may incriminate
6 you, but that would cause you to have -- to suffer.
7 MR. WEBB: This is the thing. I've been
8 wanting to come forward with this for a number of months
9 now. I mean for a long, long time about certain
10 specific things that no one's ever known. You know, I
11 really wanted to come forward. This has been something
12 that's pretty much destroyed my life for 22 years.
13 MR. HINTON: Uh-huh.
14 MR. WEBB: And the thing is, is 20 months
15 ago when I first got that misdemeanor charge, I told
16 Mike Crawford then, I said, Man, you know, all this --
17 the only reason these people are putting these charges
18 on me -- because one faction wants to keep it quiet.
19 Another faction wants to bring all them and, you know,
20 try to find out the truth.
21 MR. HINTON: Uh-huh.
22 MR. WEBB: I'm stuck in the middle.
23 MR. HINTON: Yeah.
24 MR. WEBB: So it's like two bullies
25 trying to fight over the block's corner, and I'm the

1 block's corner.
2 MR. BILTZ: Johnny, here's what --
3 what -- our concerns would be this, I believe. Is in
4 terms of any State charges, we're good. Federal
5 charges, not to much so. I'm not going to put you in a
6 position where anything that you say could incriminate
7 you until we have some guarantees of immunity from the
8 Feds. Now that does not mean that we can't go ahead and
9 get the ball rolling. I'm not asking you to necessarily
10 make statements that if you'll authorize these guys to
11 do some of the legwork, then --
12 MR. WEBB: There's one thing on here that
13 y'all left out that I can see right off the bat and
14 that's the Federal complaint that I filed. I had the
15 FBI come and see me on Eastham Unit because I made a
16 call from right here in this County Jail before this
17 trial ever happened and told the FBI, look, they're
18 forcing me to testify against this dude.
19 MR. HINTON: Well, I didn't know that.
20 MR. WEBB: And I don't want to do it.
21 And he says, well, I can't really do anything over the
22 phone, sir; but I'll send an agent to see you.
23 I was then convicted. I was then put on
24 trial and made to testify against Willingham and then
25 they didn't come and see me until I was already on the

1 Eastham Unit in '93.
2 MR. BILTZ: And they came to see you --
3 MR. WEBB: Yes, sir.
4 MR. BILTZ: Okay.
5 MR. WEBB: I mean I had told them, I even
6 made statements in trial that I didn't want to testify
7 against that dude and I didn't.
8 MR. JOHNSON: The FBI came after the
9 trial?
10 MR. WEBB: Uh-huh. I mean I told them
11 then, I said they're forcing me to testify on this man
12 and I don't want to do this.
13 MR. HINTON: Well, let me ask you. You
14 said that you said on the record in a court something to
15 the effect that I don't want to testify?
16 MR. WEBB: Uh-huh.
17 MR. HINTON: What record?
18 MR. WEBB: Willingham's trial.
19 MR. BILTZ: So during the trial, he said
20 I don't even want to be here testifying.
21 MR. WEBB: I said I never wanted to
22 testify on this man to begin with.
23 MR. BILTZ: But you went ahead and
24 testified basically?
25 MR. HINTON: Was it out of the presence

1 of the jury that you said that? In the presence of the
2 jury?
3 MR. WEBB: I told them I didn't want to
4 test -- there's records of that.
5 MR. HINTON: Well, I don't have the
6 transcript.
7 MR. BILTZ: Yeah, I don't either.
8 MR. HINTON: I've only got this part of
9 the transcript.
10 MR. WEBB: I promise you I said that.
11 MR. BILTZ: And, Johnny, another detail I
12 want you to share, remember how you told me after John
13 brings you over there and starts sharing some of the
14 file -- describe some of the things that John Jackson
15 showed to you.
16 MR. WEBB: Sure. Pictures of the kid's
17 arm that was burnt. He showed me pictures of the inside
18 of the house.
19 MR. HINTON: Well, let me start this.
20 You explained to the FBI -- were there two FBI agents?
21 MR. WEBB: One.
22 MR. HINTON: One, okay. In '93, all
23 right. Let me start back at the beginning.
24 MR. WEBB: Okay.
25 MR. HINTON: When was it that you -- you

1 were born and raised here in Corsicana, right?
2 MR. WEBB: Uh-huh.
3 MR. HINTON: When was it that you became
4 aware of Chuck Pearce?
5 MR. WEBB: Back when -- it was a while
6 back, I guess. I don't remember.
7 MR. BILTZ: Pre Willingham?
8 MR. WEBB: Yeah, it was pre Willingham;
9 but it was due to the fact Chuck Pearce's house was used
10 investigators -- well, by the narcotics division to hold
11 meetings at his house and to go over who they were going
12 to issue search warrants for, who they needed help with
13 getting search warrants. So there was people that Chuck
14 Pearce were helping, so to speak, for the police.
15 MR. HINTON: And how do you know that?
16 MR. WEBB: Because I was one of them.
17 MR. HINTON: Okay, all right.
18 MR. JOHNSON: You were working as a
19 confidential informants --
20 MR. WEBB: Sure.
21 MR. JOHNSON: -- at that point?
22 MR. WEBB: Well, I mean not really a
23 confidential informant. They would just tell me --
24 MR. JOHNSON: (Inaudible).
25 MR. WEBB: -- you've seen this at this

1 guy's house and we need you just to say this and then I
2 would say, okay, I've seen it. Matter of fact, I can
3 even tell you the people's house that I remember. One
4 of them was Doug Martin's house. They didn't have an
5 informant and they had to have me and I said, yeah, I
6 know him and they said, well, all we need you to do is
7 say that you've seen a green leafy substance in his
8 house and issued the warrant.
9 MR. BILTZ: And what other [redacted] guys
10 or the other guys that did this did you know about?
11 MR. HINTON: They're from Kerens.
12 MR. BILTZ: What are their names?
13 MR. WEBB: [redacted]
14 and they would take care of them. So I mean Mr. Pearce
15 helped all of us. He paid for things because it was all
16 at the direction of John Jackson and the detectives here
17 in (inaudible) county.
18 MR. HINTON: Well, did John -- was John
19 Jackson ever at one of those meetings that you attended
20 at Mr. Pearce's house?
21 MR. WEBB: I believe he was.
22 MR. HINTON: All right. Now --
23 MR. WEBB: It was all the big narcotics.
24 I mean it was the DA. It was quite a few people at
25 Mr. Pearce's house. I mean that's -- that's --

1 MR. HINTON: Do you remember the name of
2 the DA?
3 MR. WEBB: It's been a long time ago.
4 MR. HINTON: Well, it was a long time ago
5 and I understand that. The Willingham trial was in '92.
6 MR. WEBB: I just remember being at
7 Mr. Pearce's house a couple times and all these
8 narcotics agents are there and, you know, it was always
9 a pat on back, you're going to help us out and, you
10 know, we're going to take care of you.
11 MR. HINTON: And this is pre Willingham?
12 So it was pre '92. Would it have been -- let's see.
13 You were born in '70, so you would have been 22 in '92.
14 So would this have been when you were -- before you were
15 20 or between 20 and 22?
16 MR. WEBB: It would have been before I
17 was 20.
18 MR. HINTON: Before you were 20?
19 MR. WEBB: Uh-huh.
20 MR. HINTON: Okay. How did they know
21 about you, if you know?
22 MR. WEBB: [redacted] I knew [redacted] and
23 [redacted] was already involved with Mr. Pearce.
24 MR. HINTON: All right. Was --
25 MR. WEBB: [redacted] kind of brought me in.

1 MR. HINTON: All right. Was [redacted] a --
2 was [redacted] a guy that --
3 MR. WEBB: Used drugs, man.
4 MR. HINTON: Used drugs, okay. Was that
5 pretty much the common thing, the common denominator?
6 Did you use drugs back then?
7 MR. WEBB: Sure.
8 MR. HINTON: So you're saying that the
9 law enforcement narcotics departments, Sheriff's
10 department -- would it be Sheriff and the Police
11 Department? They were using Chuck Pearce's house to
12 have meetings to talk to people like the Barnett
13 brothers and you about what you could tell them that
14 could cause them to get search warrants issued on --
15 MR. WEBB: Not just what we could tell
16 them. They would basically tell us we don't have an
17 informant. We just need you to say you know them.
18 MR. HINTON: All right. And you would --
19 you would cooperate with them?
20 MR. WEBB: And just say (inaudible)
21 couple of them I did know that I remember.
22 MR. HINTON: What did you get in return
23 for that?
24 MR. WEBB: Some new shoes, clothes,
25 whatever I needed.

MR. HINTON: Who would pay for it?

MR. WEBB: Mr. Pearce.

MR. HINTON: Okay.

MR. WEBB: That was the whole common denominator. Pearce was the money source. He helped out everybody and the police, you know, he just was there friend I guess. I don't know what his role with them was. I just know what his role with us was.

MR. HINTON: So [redacted] is somebody that you remember that you gave information that was false about?

MR. WEBB: Uh-huh, and --

MR. HINTON: Did it lead to his arrest?

MR. WEBB: I don't know if it did or didn't.

MR. HINTON: Okay.

MR. WEBB: I mean I wasn't informed and another one was [redacted] and I know it lead to his arrest.

MR. JOHNSON: [redacted] -- what is the last name?

[redacted]

1 MR. HINTON: Okay.
2 MR. JOHNSON: How many of these meetings
3 were there that you had at Mr. Pearce's house?
4 MR. WEBB: When I'd actually seen him
5 there?
6 MR. HINTON: That you were actually at
7 Mr. Pearce's house before Willingham.
8 MR. WEBB: Maybe one or two. Not many.
9 I mean they didn't -- they just didn't, you know, allow
10 people. They didn't allow a lot of people around. I
11 mean that's just the way it was.
12 MR. JOHNSON: But you went to a couple of
13 meetings and --
14 MR. WEBB: No, I was just there when they
15 showed up. I wasn't like -- I didn't come there when
16 they were already there. It was just like they started
17 showing up and they went in the house and did their
18 thing and they would come out after they had had their
19 meeting. It's not like I was a privy to what was going
20 on. They'd say, hey, man, you know, you need -- we need
21 these, we need these search warrants, and we need
22 someone to help us with it.
23 MR. HINTON: Johnny, how did you -- how
24 did you get to Mr. Pearce's house? I mean did he call
25 you? Did --

1 MR. WEBB: Pick us up.
2 MR. HINTON: He would come pick you?
3 MR. WEBB: Uh-huh, my mom remembers
4 everything.
5 MR. HINTON: All right. And we want to
6 talk to your mom --
7 MR. WEBB: That's fine.
8 MR. HINTON: -- if we can this afternoon
9 before we leave here.
10 MR. BILTZ: She's at work today.
11 MR. HINTON: Yeah, that's okay.
12 Mr. Johnson and I are from Dallas. We're not far away.
13 Just a little bit about me, I've been practicing law for
14 a long time. You were three when I started practicing
15 law and I was a prosecutor for 40 years, a little over
16 40 years, and then I've been on the defense side of it
17 since then. So all in the world that I care about is
18 getting to the truth.
19 MR. WEBB: Okay.
20 MR. HINTON: What you have told your
21 lawyer and what he -- you authorized him to tell me,
22 we've checked on some of that stuff so far and to this
23 point, we have found nothing that would contradict what
24 you've said.
25 MR. WEBB: I know because I'm telling you

1 the truth.

2 MR. HINTON: What we found out yesterday

3 is that back in -- and I'm kind of getting ahead of

4 myself. Back in '92 when you went to TDC on that agg

5 robbery case, when somebody would put money on your

6 commissary account, they would have to do it by filling

7 out a little form.

8 MR. WEBB: Sure.

9 MR. HINTON: And part of what this is all

10 about, this release, is so that we can ask the TDCJ to

11 give us copies of whatever they still have about that.

12 It's going to be very important for us to be able to

13 corroborate everything that you say. You know, when

14 you're dealing with somebody who has a history of saying

15 something and then saying, no, that's not right and back

16 and forth and back and forth, we have to do what we can

17 to corroborate everything that you say that we can

18 possibly corroborate to give you some creditability

19 because you don't have any.

20 MR. WEBB: I know.

21 MR. HINTON: So that's what we've got to

22 do, and that's all we're interested in is getting to the

23 truth. I'll tell you right now, John Jackson is a

24 friend of mine, a good friend of mine. I've tried a lot

25 of cases against John when he was first Assistant DA and

1 I've tried cases in front of him both as a special
2 prosecutor and as a defense lawyer when he was a judge,
3 but I've got to set that aside when I've got an
4 assignment to try to find out what the truth is. It's
5 important for us to be able to do that. The release,
6 you don't have to sign. You can mark it up, do anything
7 you want to do. I'll add on there FBI before you sign
8 it if you decide to sign it. But that is meant to try
9 to give us the opportunity to corroborate everything we
10 can about you. What you're saying, Johnny, is really
11 serious.
12 MR. WEBB: I know it is.
13 MR. HINTON: It's really serious. It is
14 an indictment of law enforcement in Navarro County.
15 MR. WEBB: I know.
16 MR. HINTON: A lot of good people
17 involved in this. A lot of good people. And a lot of
18 good people who probably, if we're able to corroborate
19 what you're saying, thought they were doing the right
20 thing; but it's not the right thing.
21 MR. WEBB: They didn't think they were
22 doing the right thing.
23 MR. BILTZ: Do you think Chuck knew?
24 MR. WEBB: I don't think Chuck knew, no.
25 I don't -- Chuck wasn't -- I don't know, man.

1 Mr. Pearce is such a nice guy.
2 MR. BILTZ: He's the kind of guy that
3 would help anybody. But if he was setting up these
4 meetings with narcs at his house before the Willingham
5 deal --
6 MR. WEBB: I just know I -- no, I mean I
7 don't mind telling y'all everything you want to know
8 because I know in the end they're going to end up
9 killing me.
10 MR. BILTZ: Well, not if -- not if I do
11 my job.
12 MR. HINTON: I don't -- you may be the
13 safest person on the planet.
14 MR. WEBB: But my wife, man, she's
15 getting beat up over there right now.
16 MR. BILTZ: Over here in our jail?
17 MR. WEBB: I done showed you them
18 letters, man. She got beat up, and these people here
19 won't do nothing about it. I told them, look, why are
20 y'all letting this -- why are y'all letting people beat
21 my wife up because of that paper article that came out
22 about the Willingham case because they call her, you
23 know, the wife of a snitch now.
24 MR. BILTZ: So do I need to have her put
25 in protective custody, too?

1 MR. WEBB: I would imagine.
2 MR. HINTON: All right.
3 MR. BILTZ: Well, let's get (inaudible)
4 here.
5 MR. HINTON: Okay. We only have about 30
6 more minutes, and we can all get together again; but it
7 is the first -- the first round we needed to introduce
8 ourselves to you and I wanted you to feel comfortable
9 with me. I want you to be able to understand what our
10 role is. Our role is not help Johnny Webb. Our role is
11 not to hurt Johnny Webb. Our role is to find out what
12 we can to corroborate what you're saying because that's
13 an important deal.
14 All we're concerned about is being able
15 to get to the truth and corroborate it. Now when you
16 got arrested on this agg robbery, did you know John
17 Jackson by the time that you got arrested on the agg
18 robbery on January the 1st? You didn't know who he was?
19 MR. WEBB: I mean I kind of knew who he
20 was, but I didn't know him know him. Not like I do now.
21 MR. HINTON: Well, at any -- at either
22 the one or the two times pre Willingham that you were at
23 Mr. Pearce's house, do you really remember whether or
24 not John Jackson was there? And it doesn't matter if --
25 MR. WEBB: I want to say I do, but --

1 MR. HINTON: But you know --
2 MR. WEBB: -- it's been so far, no, I
3 don't.
4 MR. HINTON: Okay. Well, that's fine.
5 That's fine. Now [redacted] was your lawyer in the agg
6 rob case, correct?
7 MR. WEBB: Uh-huh.
8 MR. HINTON: And she was court appointed?
9 MR. WEBB: Uh-huh.
10 MR. HINTON: Answer out loud. We're
11 recording this.
12 MR. WEBB: Okay.
13 MR. HINTON: She was court appointed.
14 Before you pled guilty, I believe that was in March of
15 two thousand -- 1992. You waived indictment and you
16 signed a stipulation of evidence and a plea deal for 15
17 years on the agg rob with the knife.
18 What did [redacted] ever tell you about any
19 deal that you -- she had worked out with you with John
20 Jackson, the prosecutor, in exchange for your help and
21 testimony in the Willingham case?
22 MR. WEBB: She said I was either going to
23 do what she said do and I was going to take the 15 or
24 they was going to jack it up to 99 years.
25 MR. HINTON: And do what you were going

1 to do meant what?
2 MR. BILTZ: Take the 15?
3 MR. WEBB: Take the 15 and testify, or
4 you're going to do life.
5 MR. HINTON: Okay. How is it that you
6 first -- after you're in jail March of 1992, how is it
7 that you came to ever have the first conversation about
8 Willingham with John Jackson?
9 MR. WEBB: He called me up front.
10 MR. BILTZ: And tell him exactly who
11 pulled you out first and tell him the whole --
12 MR. WEBB: Sheriff Les Cotton pulled me
13 out first.
14 MR. HINTON: Let's go -- you got arrested
15 on January the 1st, 1992, on this agg rob?
16 MR. WEBB: Uh-huh.
17 MR. HINTON: Did you ever bond out on
18 that?
19 MR. WEBB: I don't think so.
20 MR. HINTON: Okay. So sometime is it
21 that after January the 1st of 1992 and before you pled
22 guilty in March of 1992 to the agg rob, when would it
23 have been that Les Cotton talked to you about anything
24 that had to do with Willingham?
25 MR. WEBB: It would have had to have been

1 right at the end -- right at the end or the middle of
2 January.
3 MR. HINTON: All right. Did you know
4 Willingham before you got to jail in January of 1992?
5 MR. WEBB: Nope.
6 MR. HINTON: How -- did you come to know
7 him in the jail here in Navarro County?
8 MR. WEBB: I was just a trustee. I was
9 just walking around and talking to him. That was it.
10 MR. HINTON: All right.
11 MR. WEBB: I didn't know what I was
12 doing. I mean I never knew him.
13 MR. HINTON: How was it that you ever
14 said -- did anybody ever said any -- anybody in law
15 enforcement in Navarro County ever said anything to you
16 about Willingham?
17 MR. WEBB: Because they noticed me
18 talking to him through the bean shoot --
19 MR. HINTON: All right.
20 MR. WEBB: -- on camera or in picket.
21 They was in the picket and they seen me talking to him
22 and that's when Les called me up front and said, look,
23 man, what are you talking to that dude about.
24 MR. HINTON: All right. Les -- Les
25 Cotton, he was the elected Sheriff?

1 MR. WEBB: Sheriff.
2 MR. HINTON: Did you know Les at the time
3 that this conversation took place? Had you spoken to
4 him before about any other things?
5 MR. WEBB: No, I just I knew him.
6 MR. HINTON: Knew who he was?
7 MR. JOHNSON: So did he call you to his
8 office or to the...
9 MR. WEBB: He called me to his office.
10 He called me up front.
11 MR. HINTON: All right. As carefully as
12 you can, I know it's been a long time; but tell us word
13 by word or some -- what did he tell you? You said,
14 well, I see you've been talking to Willingham. Tell me
15 what the -- how that conversation developed.
16 MR. WEBB: Well, basically he said -- as
17 far as I remember, he was telling me, he said, well, you
18 know, that dude killed all three of his children.
19 MR. HINTON: Did you know that before he
20 told you?
21 MR. WEBB: No.
22 MR. HINTON: Did you know at the time
23 that Les Cotton was talking to you what Willingham was
24 in jail for?
25 MR. WEBB: He never would say nothing,

1 man. He never told me. When I was talking to him, it
2 was mostly about, you know, the fact that something was
3 going on between him and his wife and, you know,
4 something had happened to one of his kids and that's all
5 he really said and he was buying medication from me
6 because I was getting psych medication to help me sleep
7 and he was just giving me candy to buy medication.
8 That's basically what we was talking about. I mean it
9 wasn't really anything to do with his case.
10 MR. HINTON: Okay. Tell us more about
11 how the conversation developed, that first conversation
12 between you and Sheriff Cotton.
13 MR. WEBB: It just -- you know, he said,
14 well, if you can find out anything, it'd probably be
15 beneficial for you. And he said, I know you want to do
16 the right thing. That's the one thing they kept saying
17 over and over and over all through this whole thing was
18 you need to do the right thing. Because I was trying to
19 beat drug addiction, I was trying to get my life
20 straight; but I was still young, man. I mean I didn't
21 really know what getting your life straight was. You
22 know, I was 22 years old, man. I was an addict and
23 bottom line is that I really didn't understand what was
24 going on, man.
25 MR. HINTON: Uh-huh.

1 MR. WEBB: And it just from one thing to
2 another it was, you know, they had pulled me out and
3 talked to me and as it went on, they would tell me,
4 well, you know what? They would say that he said this
5 or he said that, that will help you.
6 MR. HINTON: Now who is the "they."
7 MR. WEBB: Les Cotton and John Jackson.
8 That's the only ones I ever really talked to.
9 MR. HINTON: All right. Let's go back to
10 the very first conversation you have when Sheriff Cotton
11 pulled you out, brought to his -- you were brought to
12 his office and he said you've been talking to this
13 Willingham guy, what are y'all talking about, blah,
14 blah, blah, and he said something about if you knew
15 anything that could help, it would help you or something
16 to that effect.
17 MR. WEBB: That was the first time.
18 MR. HINTON: First time.
19 MR. WEBB: He sent me back.
20 MR. HINTON: What did you tell Les
21 Cotton?
22 MR. WEBB: I just said nothing. I just
23 said he just gives me candy. I wasn't going to tell him
24 I was selling medication to him.
25 MR. HINTON: Yeah.

1 MR. WEBB: I said he gives me candy, and
2 I just -- you know, we was just talking.
3 MR. HINTON: All right.
4 MR. WEBB: Nothing to it.
5 MR. HINTON: Well, were you brought to
6 Les Cotton's office a second time?
7 MR. WEBB: Three or four times.
8 MR. HINTON: Three or four times.
9 MR. WEBB: It was about three times, and
10 then they took me over to see John Jackson.
11 MR. HINTON: Let's start at the second
12 time. About how much time passed from the first time to
13 the --
14 MR. WEBB: A week.
15 MR. HINTON: -- second? About a week
16 later. Tell me how that developed.
17 MR. WEBB: He just said that he'd been
18 talking to John and Mr. Pearce and, you know, Mr. Pearce
19 told him --
20 MR. HINTON: Well, wait, wait, wait,
21 wait, wait. Second time you go to Les Cotton, what does
22 he ask you?
23 MR. WEBB: Have you found out anything.
24 MR. HINTON: And what did you say?
25 MR. WEBB: No.

1 MR. HINTON: All right. What other
2 things were covered in that conversation?
3 MR. WEBB: He said, well, I've been
4 talking to Mr. Pearce. I've been talking to John.
5 MR. HINTON: At that time, you knew who
6 Mr. Pearce was?
7 MR. WEBB: Yes.
8 MR. HINTON: Did you know who he was
9 talking about John?
10 MR. WEBB: Yeah, John Jackson.
11 MR. HINTON: All right. Did you know
12 that he was the First Assistant District Attorney here
13 in Navarro County?
14 MR. WEBB: Yes.
15 MR. HINTON: Were you aware of whether or
16 not he had anything to do with the prosecution of your
17 aggravated robbery case?
18 MR. WEBB: Yes.
19 MR. HINTON: How did you know that?
20 MR. WEBB: Because Les told me.
21 MR. HINTON: All right. Did you already
22 have April Sikes as a lawyer?
23 MR. WEBB: I don't remember if I did or
24 didn't.
25 MR. HINTON: Okay. So second

1 conversation when you're pulled into Cotton's office,
2 you say, no, I haven't.
3 He says "Have you been talking to him?"
4 "No, I haven't."
5 MR. WEBB: Yes, I had. I had been
6 talking to him. I haven't found anything. No, I
7 haven't.
8 MR. HINTON: Okay. Was there a third
9 time that you were brought to Les Cotton's office?
10 MR. WEBB: Uh-huh.
11 MR. HINTON: How much time later after
12 the second?
13 MR. WEBB: A couple weeks or a week. You
14 know, I don't really remember exactly how much.
15 MR. HINTON: Sure.
16 MR. WEBB: But just a little while
17 longer.
18 MR. HINTON: And what -- tell us how --
19 what was said in that conversation?
20 MR. WEBB: Well, in his conversation, he
21 said, look, John is going to be talking to you and if
22 you'll help us, then we'll make sure -- we'll make sure
23 you're all right. We'll help you.
24 And I said, well, Les. I said, man, I
25 didn't even do this robbery, man. You know, and I

1 didn't. You know, the whole thing about my robbery
2 charge was bogus anyway. My mom will explain that to
3 you. I didn't rob that lady. That lady worked for my
4 family. What was happening was my dad had a bunch of
5 his guns stolen out of his house. It wasn't me. It was
6 [redacted] Well, my
7 dad found out that I had knew about it and didn't tell
8 him and he got pissed off because I was up in Dallas
9 working for my cousin, Amy Isabelle.
10 Well, you know, yeah, they brought the
11 guns up there and we sold them for drugs or whatever.
12 But then when my dad found out about it, I had to move
13 back home and it came out that I had been involved with
14 it. Then all of a sudden they found out I was doing
15 drugs and all this, so they decided to get me off the
16 streets.
17 MR. HINTON: Right.
18 MR. WEBB: So they had this girl say that
19 I come and robbed her with a knife. Which I didn't, but
20 that's what they locked me up for to get me off the
21 street and get me clean.
22 MR. HINTON: Okay. All right.
23 MR. WEBB: Then that's when John Jackson
24 got involved with the case.
25 MR. HINTON: The third time that you went

1 to Les Cotton's office?
2 MR. WEBB: Uh-huh.
3 MR. HINTON: All right.
4 MR. WEBB: That's when they told me I was
5 fixing to go see John Jackson.
6 MR. HINTON: So this is the third time
7 that you're pulled out of the cell and you're taken over
8 to Les Cotton, the Sheriff's office, and by this time
9 you've still not said anything negative about
10 Willingham?
11 MR. WEBB: No.
12 MR. HINTON: Now is the third time the
13 time that you go to see John Jackson?
14 MR. WEBB: Uh-huh.
15 MR. HINTON: Why?
16 MR. WEBB: Because he wanted to ask me
17 and go over what I was going to say.
18 MR. HINTON: All right. So was it --
19 MR. WEBB: If I was going to be willing
20 to cooperate and do what they wanted me to do. That was
21 the whole thing. They wanted me to say that he had told
22 me --
23 MR. HINTON: Okay.
24 MR. WEBB: -- that he had done these
25 things.

1 MR. HINTON: Where did that meeting
2 occur?
3 MR. WEBB: John Jackson's office in the
4 courthouse.
5 MR. HINTON: On the -- is it third floor
6 or --
7 MR. WEBB: Second floor.
8 MR. HINTON: Second floor, all right.
9 Who was in that meeting?
10 MR. WEBB: Me, John Jackson, and the
11 officer was made to stand outside.
12 MR. HINTON: The officer that transported
13 you?
14 MR. WEBB: Yeah.
15 MR. HINTON: Was Les Cotton there?
16 MR. WEBB: I don't know if Les was at the
17 first one or not.
18 MR. HINTON: Okay.
19 MR. WEBB: I know he was at -- he was at
20 one of them. I don't remember if that was the first one
21 or --
22 MR. HINTON: Okay.
23 MR. WEBB: -- the second one. I don't
24 remember. But Les was at one of them because we all sat
25 down together and talked.

1 MR. HINTON: Okay. Now what do you
2 recall the conversation was between you and John Jackson
3 the first time you met him in his office in the Navarro
4 County Courthouse?
5 MR. WEBB: That if I really wanted to
6 clean up my life, that he would help me; but in return,
7 I had to help him.
8 MR. HINTON: To your knowledge, did you
9 already have [redacted] as an appointed lawyer in the
10 aggravated robbery case?
11 MR. WEBB: I don't remember.
12 MR. BILTZ: And I'll say this. I would
13 be very surprised if -- normally once you're in jail for
14 a week or two, they automatically appoint somebody to
15 you. So I would be surprised if he was unrepresented by
16 counsel on second degree felony after he had been in
17 jail for a month.
18 MR. HINTON: Well, first degree felony.
19 MR. BILTZ: For first -- yeah, first
20 degree felony, yeah.
21 MR. HINTON: Okay. Now -- but [redacted]
22 whether or not she had been appointed to represent you,
23 she was or was not in that first meeting that you had
24 with --
25 MR. WEBB: She was never there.

1 MR. HINTON: She was never there, all
2 right. Did you -- what did you say to John Jackson when
3 he said something to the effect if you help us on
4 Willingham, we'll help you back or whatever it was?
5 MR. WEBB: And I said, well, what do you
6 want me to do.
7 MR. HINTON: And what did John Jackson
8 say?
9 MR. WEBB: He said, well, let's go over
10 that I think needs to happen. He says I've got this guy
11 Willingham who did this. We know he did it. We know
12 he's guilty. We just can't prove it. He said right
13 now, they're -- we're looking at either giving him 35
14 and 15 on a plea agreement and this dude getting away
15 with murder. Are you helping us and him going to prison
16 for the rest of his life? And that's exactly what he
17 told me.
18 MR. HINTON: All right. What did you say
19 in return at that first meeting with John Jackson?
20 MR. WEBB: I said, well, what is it going
21 to entail? I mean what is my position? What am I going
22 to have to do, John? I mean what's going to be my deal?
23 And he says, well, you know, you can put
24 that like this. He said you can take this case to
25 trial -- because I had already told him that I didn't do

1 the robbery. And he say, well, that's neither here nor
2 there. He says that robbery will disappear. If you
3 help me, that robbery will disappear.
4 And I said, what do mean disappear?
5 And he says even if you're convicted now,
6 I can get it off of you later.
7 And a matter of fact, he did try.
8 MR. HINTON: All right. Well, you're
9 saying robbery and I want to make sure that we make a
10 clear distinction between aggravated robbery, which
11 would be using a knife, and non-aggravated second degree
12 robbery, which is not using a knife or a deadly weapon.
13 You were charged with using a knife, aggravated robbery
14 first degree felony?
15 MR. WEBB: Uh-huh.
16 MR. HINTON: All right. What did you --
17 how did you leave it with your first meeting? How did
18 you leave it with John Jackson after your first meeting?
19 MR. WEBB: That he would call me back,
20 and if I was going to do it. I told I would and --
21 MR. HINTON: You would? You would do
22 what?
23 MR. WEBB: I would testify against
24 Willingham.
25 MR. HINTON: All right. You told John

1 Jackson that at that first meeting?
2 MR. JOHNSON: Did you even know what you
3 were going to say at that point? You just knew that
4 you -- you were going to help them, but you --
5 MR. WEBB: That's right.
6 MR. JOHNSON: -- didn't have anything to
7 say yet?
8 MR. WEBB: Well, he hadn't went over
9 everything that he was going to have me say.
10 MR. HINTON: Okay. Did you understand
11 that your help would have to come from your in-jail
12 relationship with Willingham? You'll have to answer out
13 loud.
14 MR. WEBB: I just knew that I would have
15 to keep talking to him so they would have a reason to
16 say that I had talked to him.
17 MR. HINTON: All right.
18 MR. WEBB: And that that was, you know,
19 credible.
20 MR. HINTON: Did you understand that the
21 help that you were expected to give the prosecution on
22 Willingham would be that Willingham said something to
23 you that incriminated him in that fire that killed his
24 children?
25 MR. WEBB: Yes, sir.

1 MR. HINTON: All right. So after the
2 first meeting with John Jackson, did you have a second
3 meeting with John Jackson?
4 MR. WEBB: I had like three or four
5 meetings with John Jackson.
6 MR. HINTON: All right. If you can --
7 and it may be impossible for you to remember what
8 happened at each meeting; but I'm just going to ask you
9 at the second meeting, what do you recall? How did it
10 develop?
11 MR. WEBB: The pictures. The pictures is
12 probably the most distinctive thing I remember.
13 MR. HINTON: Would that be the second
14 meeting with John Jackson?
15 MR. WEBB: It was either second or third.
16 I don't remember. But the next meeting I remember
17 distinctly was the one where he pulled out the pictures
18 and said this is what I want to show you that he did.
19 MR. HINTON: All right. Pictures of the
20 burned, charred bodies of his -- of Willingham's
21 children?
22 MR. WEBB: The only picture I seen was an
23 arm and it had burns on it. I didn't see actual photos
24 of the children like that.
25 MR. HINTON: Okay.

1 MR. WEBB: I just seen -- and he said
2 that's one of his children right there. It's dead.
3 That he killed.
4 MR. HINTON: Okay. And what did either
5 of you say at this next meeting? I'm just trying to get
6 for the record or for that recorder right there, just
7 develop how this relationship evolved between you and
8 John Jackson with regard to Willingham.
9 MR. WEBB: It just evolved that he needed
10 me to testify against Willingham, to lie on Willingham,
11 and I was in a position to where either I was going to
12 do what they asked me to do or I was going to do a lot
13 of time in prison and I didn't want to go to prison for
14 that long because I knew nobody was going to help me,
15 you know. Nobody want -- in this county right here,
16 nobody is going to help you.
17 MR. HINTON: Well, when, if ever, did
18 Mr. Chuck Pearce's name ever come up when you're talking
19 to John Jackson?
20 MR. WEBB: It came up with the fact, you
21 know, because I had mentioned I wanted to go to diving
22 school and he says, look, we can get Chuck to help you
23 with anything you need. He's already there to help you.
24 MR. HINTON: Well, tell us for the record
25 how it is in your talks with John Jackson you knew what

1 the word "Chuck" meant and to whom it referred?
2 MR. WEBB: It meant Chuck Pearce.
3 MR. HINTON: I know. But how did --
4 you'll have to explain to me how you knew that when he
5 says "Chuck," he meant Chuck Pearce.
6 MR. WEBB: What do you mean how do I
7 know?
8 MR. HINTON: How would John Jackson have
9 known that you knew anything about Chuck Pearce?
10 MR. WEBB: Well, because I went out to
11 the ranch with him and stuff. See, that's the thing.
12 John lives in Powell. Well, Chuck owns a ranch out in
13 Kerens. Well, everybody knows Mr. Pearce. I mean it's
14 like one of the biggest ranches there. Well, we used to
15 go out on the ranch and shoot guns with Mr. Pearce and
16 other kids from (inaudible). Well, Mr. Pearce and John
17 Jackson and what's the other guy, the commissioner?
18 MR. JOHNSON: [redacted]
19 MR. WEBB: [redacted] All of them used
20 to be out there when we was out there. Everybody knew
21 we knew that guy, and I mean he's a really good guy.
22 But John Jackson and Mr. Pearce's relationship was more
23 like some money thing, you know. They would get Pearce
24 to buy things for people so they could get testimony or
25 whatever they needed and Chuck Pearce had the money to

1 afford it.
2 MR. HINTON: Okay. And you were aware of
3 that?
4 MR. WEBB: Yeah.
5 MR. HINTON: All right, okay. So John
6 Jackson mentions the name Chuck Pearce to you in the
7 second or the third conversation that you had with John
8 Jackson?
9 MR. WEBB: Right.
10 MR. HINTON: And how was it mentioned to
11 you?
12 MR. WEBB: Because I wanted -- I'd said
13 that I wanted to go to diving school and he said, well,
14 you know, things can be taken care of.
15 And I said, well, you know, I'm looking
16 at doing all this time.
17 He said, man, I guarantee you, you will
18 not do that much time. He says I can get you out of
19 prison. I can get you into diving school, and I'll use
20 Chuck to do it.
21 MR. HINTON: Okay. And this was the
22 second or the third conversation you had with John
23 Jackson?
24 MR. WEBB: As a matter of fact, the whole
25 time I was in prison for 15 years, Mr. Pearce put money

1 on my books every month like clockwork.
2 MR. HINTON: Okay, we'll get to that in
3 just a minute. That's a really important part of this
4 whole deal. Was it the second or third meeting that you
5 had with John Jackson that you agreed to help?
6 MR. WEBB: Yeah.
7 MR. HINTON: Okay. And how did that
8 develop, what you were supposed to do, what you were
9 supposed to say about Willingham that was supposed to
10 help?
11 MR. WEBB: He wanted me to go over -- he
12 wanted me to look at some of those pictures and he said,
13 look, if you look at these pictures right here, you can
14 see the burn marks on the baby's arm. They're dead. He
15 did that. Look at the pictures of the inside of the
16 house. He says your story doesn't have to match
17 exactly. He says I want you to just say he put fires in
18 the corners or he put fires wherever. I need you to be
19 able to say that so that we can convict him. Otherwise,
20 we're going to have a murderer running our streets.
21 MR. HINTON: All right. You're saying
22 that Mr. Jackson said you're going to need to say that
23 Willingham told you --
24 MR. WEBB: That's right.
25 MR. HINTON: -- that he put something on

1 the floor in the corners that was flammable and he
2 ignited it for the purpose of killing his kids?
3 MR. WEBB: It wasn't just anything. It
4 was lighter fluid. You know, like charcoal lighter
5 fluid.
6 MR. HINTON: Charcoal lighter fluid.
7 MR. WEBB: Yep.
8 MR. HINTON: How did -- who told you it
9 was charcoal lighter fluid?
10 MR. WEBB: That's what he said. Just say
11 it was charcoal lighter fluid.
12 MR. HINTON: When you say "he" --
13 MR. WEBB: John Jackson.
14 MR. HINTON: John Jackson told you that
15 the accelerant was charcoal lighter fluid?
16 MR. WEBB: Yeah.
17 MR. HINTON: Okay, okay. And you're
18 saying that Willingham never told you anything about --
19 you'll have to say out loud.
20 MR. WEBB: No, he didn't.
21 MR. HINTON: Okay.
22 MR. WEBB: Actually what he told me was
23 when he came home, everything was fine. He went to
24 sleep. He woke up, and the house was on fire. That's
25 all he said.

1 MR. HINTON: Okay. Did Willingham ever
2 tell you anything about what he tried to do to save his
3 children? And I'm not trying to --
4 MR. WEBB: John Jackson just told me
5 that, you know, there was testimony -- there was going
6 to be testimony in the trial and this is before the
7 trial, that Willingham went out and put clothes in his
8 car, all of his clothes in his car before that fire ever
9 happened. You know, he said that. He said that's going
10 to come out. He said there's a lot of things that are
11 going to come out, Johnny, that you don't know about.
12 One of the main things that he had always
13 said -- and he said it more than once and this is after,
14 after the trial he said this. He said, you know, in my
15 closing argument, I said to the jury do you think -- you
16 know, you as children you read about bedtime stories
17 about monsters and he said he pointed at Willingham and
18 said that's the monster right there.
19 And the whole time he was saying that, I
20 thought, you know, Willingham is a monster? Who's
21 really the monster when you make people do things they
22 don't want to do? I mean I never heard --
23 MR. BILTZ: I heard that Jackson was
24 arguing at the trial that Willingham had Satanic
25 literature on his wall from a Led Zeppelin poster.

1 MR. JOHNSON: God damn, I had some of
2 that shit, too.
3 MR. BILTZ: Yeah, I know. It makes us
4 all Satanists, doesn't it.
5 MR. JOHNSON: I've got several of their
6 albums. Am I going to hell?
7 MR. BILTZ: Yeah, I've got some in my
8 car.
9 MR. HINTON: Okay. So how many times do
10 you recall roughly meeting with John Jackson prior to
11 your testimony in the Willingham trial?
12 MR. WEBB: Four to five times.
13 MR. HINTON: On how many of those
14 occasions did you and John Jackson talk about what the
15 facts were that you needed to say that Willingham told
16 you about?
17 MR. WEBB: Three. The first time we
18 talked, it wasn't really about it. It was just whether
19 I was going to testify or not. Well, actually four
20 because the second time is when he started going into
21 details about what was going to need to be said. So,
22 yeah, it was four times we went into facts.
23 MR. JOHNSON: Are you saying that
24 basically you rehearsed what you were going to say?
25 MR. WEBB: Absolutely, that's exactly --

1 yeah, that's exactly what he was doing. Rehearsing with
2 me what I had to say, what I needed to say.
3 MR. BILTZ: And so obviously you weren't
4 present for closing arguments, were you?
5 MR. WEBB: No.
6 MR. BILTZ: So you just heard second hand
7 about him saying that --
8 MR. WEBB: He told me himself.
9 MR. BILTZ: Jackson did?
10 MR. HINTON: He told you that's what he
11 was going to say?
12 MR. WEBB: That's what he said after the
13 trial. He told me that.
14 MR. JOHNSON: This is post trial.
15 MR. BILTZ: So you had contact with him
16 after the trial --
17 MR. WEBB: Yeah.
18 MR. BILTZ: -- and he brings you back
19 over there?
20 MR. JOHNSON: Dude, I've got letters from
21 him when he wrote me in prison.
22 MR. BILTZ: At the house?
23 MR. WEBB: Yeah. Well, there not at the
24 house. I've got them put up; but, yeah, I've got --
25 I've got a shitload of letters.

1 MR. JOHNSON: From John Jackson?
2 MR. WEBB: Yeah.
3 MR. JOHNSON: Did you get letters from --
4 MR. WEBB: I got letters from Mr. Pearce
5 telling me that John Jackson was sending messages to
6 Pearce for Mr. Pearce to tell me. Yeah, I've got all
7 that. I guarantee you I've got it. I promise that.
8 I'm not going to lie to you people. I'm telling you the
9 truth. I want to get my name cleared on this because I
10 mean what happened to this man ain't right. They killed
11 a man for no reason. I can't get my life right until I
12 get this away from my life.
13 MR. HINTON: And let me just say this,
14 Johnny. I don't know or care whether Willingham set the
15 fire that killed his children. What I am concerned
16 about at this point is that his conviction was obtained
17 with knowingly false testimony and after the conviction,
18 there were several things that took place that at
19 another time we'll go into that had to do with John
20 Jackson and Mr. Pearce helping you out that was never --
21 it was never disclosed to Willingham's appeals lawyers.
22 Appellate lawyers or writ lawyers. It never was.
23 MR. WEBB: There's a lot of things they
24 never want to come out.
25 MR. HINTON: This idea of there was never

1 a deal, there was never a deal, that's what we're
2 concerned about. Mr. Willingham has been executed.
3 That's over. He could have been an innocent man. He
4 might not have been an innocent man, but it wasn't fair.
5 It wasn't done right and I don't want to see that happen
6 again here or anybody -- any place else. And that's
7 the -- that's the importance of your -- the truthfulness
8 of your testimony. That's why it's so important for us
9 to be able to corroborate everything we can about what
10 you're saying.
11 I don't want you to embellish it. I
12 don't want you to leave anything out. I just want it to
13 be straight down the line. Every one of us at a time or
14 two or three or more in his life has said something that
15 he knew was not absolutely true. Okay? That's human
16 nature. All I've got to do and all Mr. Johnson and I
17 are concerned about is getting to the absolute
18 unvarnished truth. We don't want to do the same thing
19 that you believe that John Jackson did and that is we
20 don't want to create a problem that doesn't exist. We
21 want to try to solve a problem, that we appear -- that
22 appears to exist. Okay? Let me show you a few things
23 here.
24 MR. BILTZ: Guys, we've got about two
25 minutes and they're going to run us out.

1 MR. JOHNSON: Okay, we better get some
2 waivers signed and notarized.
3 MR. HINTON: Yeah, let's get -- I added
4 FBI on this thing. So what I'd like for you to do, if
5 you want to do it, you sign this thing. Mr. Johnson is
6 a notary.
7 MR. BILTZ: And I've gone over it,
8 everything.
9 MR. WEBB: So you're advising me?
10 MR. BILTZ: Yep.
11 MR. HINTON: I added Federal Bureau of
12 Investigation on there.
13 MR. WEBB: Okay.
14 MR. JOHNSON: If you'll hand that to me,
15 I'll notarize it.
16 MR. HINTON: While it says in here
17 that --
18 MR. JOHNSON: Did you add anything to
19 the -- the FBI to that?
20 MR. HINTON: I think I did. Initial
21 where I've written in Federal Bureau of Investigation.
22 MR. BILTZ: Johnny, the people around
23 here know that I'm on your case like a hawk. You are --
24 you are safe. Nobody is going to fuck with you and
25 that's why I wanted to show the forces that nobody is

1 going to mess with Johnny Webb with a team a lawyers
2 floating around. And after we go through step one,
3 we'll talk about what's going on (inaudible) with you.
4 MR. HINTON: Did you initial each of the
5 pages?
6 MR. WEBB: This one ain't got FBI on...
7 MR. JOHNSON: Let's get organized. That
8 needs to be initialed at the bottom of the page.
9 MR. WEBB: See, I've got documents that
10 I've put up at my friend's house that I can go get.
11 That's why I'm trying to get out on bond.
12 MR. BILTZ: And then we expect -- I
13 talked to his mother this morning. It looks like
14 Wednesday we're going to be getting his bond posted. So
15 hopefully at the end of next week we'll be able to -- if
16 you guys you think have another meeting, we'll be able
17 to meet at my office.
18 MR. HINTON: Great.
19 MR. BILTZ: And, Johnny, I don't want you
20 to mentioning to anybody that you're about to post bond.
21 No other inmates or anything. It's just I don't want
22 any jailers to give a heads up to somebody and have your
23 bond (inaudible) and turn around your bond. So I've got
24 an extra zero added on to the end of it just to keep
25 everything quiet.

1 MR. WEBB: (Inaudible) legal.
2 MR. HINTON: Initial those if you would,
3 please.
4 MR. JOHNSON: I'm sitting here not
5 working this damn stamp. Oh, that came apart.
6 MR. BILTZ: Does your cell ever get
7 tossed? They go through you shit?
8 MR. WEBB: Uh-huh.
9 MR. BILTZ: Can we have a copy for Mr.
10 Webb? (Inaudible) copy here because I would rather hold
11 on to it and not -- yeah, I don't want that being in
12 your cell. Let me have it. Just recantation.
13 MR. WEBB: Yeah, I wrote that.
14 MR. HINTON: You wrote Mr. Pearce a
15 letter the month before -- this is dated the 30th of
16 March of 2000. You wrote Mr. Pearce a letter the month
17 before this explaining to him why you were doing this
18 recantation. Do you remember that?
19 MR. WEBB: Yeah, probably. I don't
20 remember. I mean I may have.
21 MR. HINTON: Oh, excuse me. Excuse me.
22 Let me show it to you real quick.
23 (Inaudible conversation in the
24 background)
25 MR. JOHNSON: I've got three here that

1 are -- is three all there were?
2 MR. HINTON: No, there were four.
3 MR. JOHNSON: Here's the other one.
4 MR. HINTON: There are five of them in
5 total. Thank you, sir. Let's see, look at this thing.
6 There is something that's dated. See this -- they put
7 the envelope on the bottom of this recantation motion,
8 so you can't read everything; but it says 3/30/00. The
9 month before, month and a half before, February the
10 12th, '00, you write this to Mr. Pearce. I mean I say
11 you did. It appears that you did.
12 MR. JOHNSON: Make sure they're all
13 stamped.
14 MR. BILTZ: Yeah.
15 MR. WEBB: Yeah.
16 MR. HINTON: Tell us about that. That's
17 the letter that you wrote to Mr. Pearce on the 12th of
18 February. Tell us what -- had you already written what
19 is dated 3/30/00, which is your motion to recant
20 testimony when you composed this letter of February the
21 12th, 2000, to Mr. Pearce?
22 MR. WEBB: I don't know.
23 MR. HINTON: All right. Well, why did
24 you -- tell us why you wrote this letter of 2/12/00 to
25 Mr. Pearce.

1 MR. WEBB: I was scared. Because I was
2 scared.
3 MR. HINTON: Right, right. You were
4 scared about the threats that were made on your life
5 while you were in the penitentiary on the agg rob,
6 correct?
7 MR. WEBB: No, I was --
8 MR. HINTON: No, this was in Navarro.
9 This is was in the cocaine case?
10 MR. WEBB: No, this was -- yeah, this
11 cocaine.
12 MR. HINTON: Yeah.
13 MR. WEBB: But I didn't get no threats
14 about the cocaine. I got threats.
15 MR. HINTON: About the Willingham
16 testimony?
17 MR. WEBB: Yeah.
18 MR. HINTON: Right. To be clear, when is
19 it that you paroled out on the aggravated robbery case?
20 MR. WEBB: In '98.
21 MR. HINTON: Okay, 1998, you were in
22 there and your testimony, as a matter of fact, you were
23 asked by David Martin, one of Willingham's lawyers, have
24 you computed how long you're going to be staying -- the
25 minimum that you're going to stay before you're parole

1 eligible, something to that effect. Let me show you the
2 transcript of that testimony. On cross-examination,
3 Mr. Martin says: Now presently you're under a sentence
4 of 15 years to do in the penitentiary?
5 "ANSWER: True."
6 "QUESTION: Is that aggravated or
7 non-aggravated?"
8 "ANSWER: Aggravated."
9 "QUESTION: How much time do you
10 understand that you will stay at a minimum in the
11 penitentiary?"
12 "ANSWER: Three years and nine months."
13 Three years and nine months, how did you
14 arrive at that?
15 MR. WEBB: I don't know. Back then I had
16 a paper floating around or something that said --
17 MR. BILTZ: Like one of those charts that
18 the --
19 MR. WEBB: Chart.
20 MR. BILTZ: -- lawyers hand out showing
21 what you're minimum eligibility and mandatory.
22 MR. HINTON: Well, three years and nine
23 months is exactly 25 percent of 15 years; so that's a
24 pretty standard deal. Did you understand that your
25 parole eligibility date might be shorter if you --

1 MR. WEBB: I was under -- I thought at
2 some point in time -- I don't remember; but at some
3 point in time in Legislature, they went to half.
4 MR. HINTON: On a 3G offense?
5 MR. WEBB: Yeah, and that's what I had.
6 And when I went back, they told me I wasn't eligible for
7 release again. I did all nine years on the rest of it.
8 I did the whole thing.
9 MR. BILTZ: So you got revoked on parole?
10 MR. WEBB: Uh-huh. I revoked my parole,
11 and they wouldn't let me out again.
12 MR. HINTON: When did they revoke your
13 parole? Because of the cocaine?
14 MR. WEBB: In '98.
15 MR. BILTZ: And that's when you were down
16 in Houston at Ocean's Corp., right?
17 MR. WEBB: Uh-huh.
18 MR. HINTON: All right. Who paid for
19 Ocean's Corp.?
20 MR. WEBB: I don't remember. My mom said
21 that they're saying that I still owe money. But
22 Mr. Pearce was the one that got me in there. I mean
23 he's the one that -- they've got to have the money
24 transfer from where he transferred me several times
25 $4,000 from his bank account electronically to the

1 Ocean's Corp. and Ocean Corp. wrote me a check and gave
2 it to me as my spending money.
3 MR. HINTON: Okay, all right. Did
4 Mr. Pearce acknowledge to you that he was going to pay
5 money for your underwater diving and welding class?
6 MR. WEBB: Yeah.
7 MR. HINTON: All right. How much was it
8 going to cost you to go to those classes?
9 MR. WEBB: I think back then it was
10 15,000 for the full course.
11 MR. HINTON: As far as you know, did he
12 pay everything that was paid?
13 MR. WEBB: I don't know. I mean I
14 assume. I don't know. I don't know how --
15 MR. BILTZ: You didn't pay any percent of
16 it though?
17 MR. WEBB: No.
18 MR. BILTZ: So any payment that was made,
19 was made by Chuck?
20 MR. WEBB: Just like out here at the
21 college. I mean my welding course, I guarantee you.
22 I've got the paper on it in the cell. My mom sent me a
23 copy of it and it shows the reference number, which is a
24 check number, and it's Mr. Pearce's check number.
25 MR. BILTZ: Okay, all right.

1 MR. HINTON: Tell us about the money --
2 did you receive money from Mr. Pearce upon your parole
3 and on this aggravated robbery?
4 MR. WEBB: $10,000 check.
5 MR. HINTON: All right. But what was
6 that for?
7 MR. WEBB: So I can get me a truck.
8 Whatever I needed. It was for my testimony.
9 MR. HINTON: Yeah. Well, when did you
10 know that he was going to give you some money to buy a
11 vehicle when you got paroled?
12 MR. WEBB: I didn't.
13 MR. HINTON: It came as a surprise to you
14 when you got paroled?
15 MR. WEBB: They told me the agreement was
16 is he was going to send me to diving school and then
17 when I got out, he said, by the way, John said get you a
18 vehicle and he gave me a $10,000 check.
19 MR. HINTON: Where did you physically
20 take possession of the ten --
21 MR. WEBB: At Mr. Pearce's house and I
22 had my girlfriend with me, Shawna Bell Shaw.
23 MR. HINTON: Shawna Bell Shaw?
24 MR. WEBB: Uh-huh.
25 MR. BILTZ: We're going to have to wrap

1 up real quick.
2 MR. HINTON: We got to go, all right.
3 Was that -- where is that house?
4 MR. WEBB: Here in Corsicana.
5 MR. HINTON: Okay. And what did you do
6 with that check?
7 MR. WEBB: Went and bought a truck.
8 MR. HINTON: Did you go and buy some
9 cashier's checks?
10 MR. WEBB: Yes, sir, I did.
11 MR. HINTON: Where?
12 MR. WEBB: At the bank here, Corsicana
13 Bank.
14 MR. HINTON: All right. And then where
15 did you buy the truck?
16 MR. WEBB: At a car lot here. That's
17 what my mom's trying to do.
18 MR. BILTZ: It's a car lot right around
19 here somewhere, isn't i?
20 MR. WEBB: My mom's trying to get all
21 that information now.
22 MR. BILTZ: And we've got the truck and
23 the license plate number and we know the date that the
24 truck was registered with the County, also. It's the
25 same day you bought it, right? You registered it the

1 same day?
2 MR. JOHNSON: Okay. Are we going end
3 this?
4 MR. HINTON: Yes.
5 MR. JOHNSON: My name is Ken Johnson, and
6 we're conducting an interview. It is March 13th,
7 2015[sic]. We've conducted an interview with Johnny
8 Webb at Navarro County Jail. In attendance was also
9 Attorney Robert Hinton, Attorney Daniel Biltz, and
10 myself and Mr. Webb.
11 MR. HINTON: Mr. Webb, did we record this
12 with your permission?
13 MR. WEBB: It was already going. I mean
14 I guess it's my permission.
15 MR. BILTZ: Yes or no, it's okay for us
16 to record this?
17 MR. JOHNSON: I can delete it right now.
18 MR. WEBB: Yep.
19 MR. JOHNSON: All right, thank you.
20 (Audio file ends)
21
22
23
24
25

1 REPORTER'S CERTIFICATE

2

3 STATE OF TEXAS)
)
4 COUNTY OF TRAVIS)

5

6 I, Paige S. Watts, a Certified Shorthand Reporter
7 in and for the State of Texas, do hereby certify that
8 I have transcribed an audio file of a recorded
9 interview of Johnny Webb, and to the best of my
10 ability to clearly hear and understand the audio file,
11 have accurately reduced to computer transcription said
12 audio file.
13 GIVEN UNDER MY OFFICIAL hand and seal of office
14 on the ____ day of _____, _____.

15

16

17

18

19 _____
Paige S. Watts, CSR, RPR
20 CSR No.: 8311
Expiration: December 31, 2014
21 DepoTexas - Firm Reg. No.: 17
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22 1016 La Posada Drive, Suite 294
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23 (512)465-9100
Job No. 187953

24

25

INTERVIEW OF JOHHNY WEBB

TAKEN MARCH 27, 2014

1 MR. JOHNSON: Okay. This is Kenny
2 Johnson. It's 10:08 a.m., March 27th. We're in the law
3 office of Attorney --
4 MR. BILTZ: Daniel Biltz.
5 MR. JOHNSON: -- Daniel Biltz, and
6 Mr. Biltz and Johnny Webb are present, along with myself.
7 Q. (By Mr. Johnson) Let me get a couple of things
8 out of the way that we have to do. They needed a
9 different release for your medical records.
10 A. All right.
11 Q. So you want to look through that and make sure
12 it's all --
13 MR. BILTZ: So what medical do you have?
14 MR. JOHNSON: I don't --
15 MR. BILTZ: Oh, TDCJ medical records?
16 MR. JOHNSON: Right. They -- the release
17 you signed last week, they wouldn't accept that for the
18 medical records needed for that. I don't have any --
19 MR. BILTZ: Are there any medical issues
20 that we're concerned about while you were at TDC?
21 MR. WEBB: I mean, just what I stated on
22 record before. I only went to TDC. So, I mean --
23 Q. (By Mr. Johnson) Did you ever get beat up or
24 anything or --
25 A. Sure.

1 Q. Well, that would be in there, then. I don't
2 know.
3 MR. BILTZ: I don't see there being any --
4 MR. WEBB: They tried to kill me twice.
5 MR. BILTZ: Aryan Brotherhood or just
6 somebody in there?
7 MR. WEBB: Yeah.
8 MR. JOHNSON: Bob just sent that to me
9 yesterday.
10 MR. BILTZ: Okay.
11 MR. JOHNSON: And said, "Did you get this
12 signed?"
13 MR. BILTZ: Yeah. I have no objection to
14 this. Honestly, I would like to see every record we
15 could get from TDCJ.
16 MR. JOHNSON: I will tell you this, they
17 got the commissary records in, and they -- they --
18 MR. BILTZ: The written pieces of paper,
19 the little, "This payment came from" stuff?
20 MR. JOHNSON: I got one page of it. I
21 just got it last night.
22 A. I never lied to y'all, and I don't want no --
23 Q. (By Mr. Johnson) Well, we're not even accusing
24 you of that.
25 A. I'm just saying (inaudible) --

1 Q. But you have to understand, everything you say,
2 though, will be challenged.
3 A. Sure.
4 Q. And so we have to corroborate everything that
5 you say --
6 A. So let me ask you this: Is he going to be my
7 attorney that's going to represent me if this comes to
8 court, or what's going to happen? I mean --
9 MR. BILTZ: Who? What? Well, I mean,
10 this will never go -- I mean, if this comes to court -- I
11 mean, this will never, quote, go to court. I mean,
12 you're not going to be charged -- and that's why, as this
13 develops, when we can document everything, that's when we
14 reach out to the Feds and try to get you immunity so that
15 you don't -- you will not have to worry about being
16 charged with anything. And you're not the one that's
17 going to get in trouble over this.
18 MR. WEBB: Okay.
19 MR. BILTZ: And so that's why I think the
20 way we want to do this is --
21 A. The whole thing is, the only reason they're
22 charging me with the crime I'm with now is to shut me up,
23 and that's what I don't understand.
24 Q. (By Mr. Johnson) Well, that's what --
25 MR. BILTZ: Well, and that's what I'm here

1 for. You know, that's my job, is to make sure that you
2 don't get put in jail for the rest of your life on this
3 bullshit case.
4 Q. I just printed one page off (inaudible) it was
5 like -- what, is it like 22 pages of (inaudible) and I
6 haven't even really read it yet. It shows commissary
7 purchase -- purchases, and then it shows "sendee," which
8 I guess are people that sent -- who is G. Steele?
9 A. Jason Steele. That's my grandpa.
10 Q. Okay. That's your grandpa because he's
11 contributing regular too, right?
12 A. Yes.
13 Q. Okay. S. and D. Webb, is that your --
14 A. Shirley and Donald Webb, my mom and dad.
15 Q. Okay. And here's Pierce. Here's Webb, Steele,
16 Webb, Pierce.
17 A. Does it have the amounts on there?
18 Q. $50, $20, whatever. That's --
19 A. Like, every Christmas, they would send me
20 200 -- 200, 250.
21 Q. And I'm sure it's --
22 A. And the thing is, is Delta Magazine
23 Subscription Services, the one where he ordered all my
24 magazines from, I had, like, 20 magazines that I was
25 getting.

1 Q. Was this part of this -- this money?
2 A. Yes.
3 Q. Okay. Well, this is --
4 A. No, no, no. No, no. It's separate from this.
5 Q. Oh, separate from that. Pierce?
6 A. Yes, Charles Pierce. He ordered it off his
7 credit card, and it was Delta Magazine -- I got the
8 letters at the house. I mean, I can show you where it's
9 from. It's Delta Magazine Subscription Services.
10 MR. BILTZ: Johnny doesn't live far away.
11 We can zip by there in five minutes.
12 MR. JOHNSON: That's what I'm hoping we
13 can do here in a minute. Anyway, you want to keep that?
14 MR. BILTZ: No. He can hold onto that.
15 A. And I've got the shirt with the blood on it.
16 Q. (By Mr. Johnson) Okay.
17 A. I mean, everything that I've said is exactly
18 the way it was. I even got some people that are going to
19 help me do a reenactment, if that's what you want, to
20 show you exactly what happened.
21 MR. BILTZ: As long as I don't have to be
22 (inaudible).
23 MR. WEBB: Huh?
24 MR. BILTZ: As long as I don't have to be
25 Billy Ray during the reenactment.

1 Q. (By Mr. Johnson) Okay. This truck that you
2 bought when you got the 10 grand is a 1991 Chevrolet
3 Cheyenne? I don't -- I'm not familiar with the Cheyenne.
4 I'm not --
5 A. It's not a Cheyenne. It was a Silverado.
6 Q. Scottsdale Silverado.
7 A. Uh-huh.
8 Q. Okay. Was that new when you got it?
9 A. No. It was used. It was used. I paid 7250
10 for it, and I spent another $1,000 on getting the racing
11 motor put in it.
12 Q. Getting what?
13 A. A racing motor.
14 Q. A thousand dollars extra?
15 A. Uh-huh. Well, that was later on. Mr. Pierce
16 had to --
17 Q. Oh, okay.
18 A. He gave me the money to do that, too.
19 Q. Well, here -- here's the question I saw when I
20 was pulling up these records. It says that that truck
21 was registered to you from 9 -- September 4th, 1997.
22 When did you get out?
23 A. I guess '98.
24 Q. What?
25 A. '98.

1 Q. Huh. Let me look at it. I don't know why they
2 have '97 on there. Okay. It says title holder is Johnny
3 Webb, [redacted]
4 A. My parole records -- my parole records show
5 when I got out.
6 Q. I don't have any of those with me. Okay.
7 "Original title date, 7/8/1998." Does that sound right?
8 MR. BILTZ: July 8th?
9 Q. July 8th, 1998?
10 MR. BILTZ: Summer of '98.
11 A. Yeah.
12 Q. Okay. The question was, it says lienholder,
13 the First State Bank of North Texas in Corsicana. Was
14 there a lien on that truck?
15 MR. BILTZ: Like, was there a balance that
16 you owed or did you pay --
17 A. Wait a minute. Wait. When I -- when I got the
18 truck, I took a loan out on it to move to Houston and to
19 go to the Ocean Corporation, where Mr. Pierce told me to
20 go, to go to diving school. Now, my mom said she called
21 the Ocean Corporation, and they said that that
22 (inaudible) was never paid, that he never paid it.
23 Q. On the truck?
24 A. No, on the diving course. So my mom and dad
25 had went back and paid my lien.

1 Q. On the truck?
2 A. Yeah, by a check Mr. Pierce gave my mom and
3 dad. See, when you get Pierce's records, you're going to
4 see all this. He gave them the money to pay off my loan
5 because when I went to jail in Houston, they took my
6 truck. In order to get it back, Mr. Pierce had to give
7 them a check to go get my truck back.
8 Q. Okay. Let me -- let me back up so I'm clear
9 about this.
10 A. This is the wrong year. Of course (inaudible).
11 Q. On this date -- particular day, you and Shidel
12 Shaw (phonetic), you go see Jackson. He gives you this
13 check --
14 A. No, Pierce. Pierce. Pierce.
15 Q. Pierce. Pierce gave you the check.
16 A. Yes.
17 Q. Okay. I misunderstood that. I thought Jackson
18 had given you the check --
19 A. No.
20 Q. -- but Pierce had written it.
21 A. No. Pierce gave me the check.
22 Q. Pierce gave you the check.
23 A. He said, "Here's the money John told me to give
24 you." He said, "Here's 10 grand. This will help you
25 out."

1 Q. Okay. So you took that check to the bank.
2 A. Yes, I did.
3 Q. Which bank was it? Was it the --
4 A. The one it was written on.
5 Q. First State Bank? Okay.
6 A. I guess -- no, right here, Community --
7 MR. BILTZ: Community National on --
8 A. Community National. That's where Chuck Pierce
9 banked at, was right here.
10 Q. Community National Bank?
11 MR. BILTZ: Well, it's --
12 A. Yeah, yeah, yeah.
13 MR. BILTZ: -- right down here on 15th.
14 A. Right here on 15th. That's where he banked at.
15 I took several checks there and cashed them in his name
16 because he gave them to me.
17 Q. No. I'm talking about on this particular day
18 when he gave you $10,000.
19 A. Uh-huh.
20 Q. Okay. So then you --
21 A. I went there -- actually, what I did was, is
22 when I went there and cashed that check, I got a
23 7250-dollar bank draft to go buy that truck, and then I
24 got a thousand dollars in Travelers Checks, and I had to
25 register the tags. And a week later, he gave me another

1 1250 to get my motor in my truck -- or a thousand. I
2 mean, it was either a thousand or --
3 Q. You got a 7250-dollar bank draft --
4 A. Uh-huh.
5 Q. -- a thousand dollars in Travelers Checks, and
6 the rest was cash?
7 A. I think so.
8 Q. Yes.
9 A. It might have been the other way around. It
10 might have been (inaudible) --
11 Q. You go down and --
12 A. -- in Travelers Checks.
13 Q. You go down and buy the truck.
14 A. Yeah.
15 Q. You give him this draft and drove off with it,
16 is that --
17 A. Yeah.
18 Q. Okay.
19 A. I went to Dennis Cooper, and Mr. Pierce told
20 them to give me a year's insurance on that truck.
21 Q. Okay. I'm trying to work back to where this
22 lien came into effect --
23 A. The lien --
24 Q. -- on the truck.
25 A. -- came into effect later on, like, a month

1 later, because I couldn't get in touch with Mr. Pierce
2 because he was gone, so I took a lien out on the truck.
3 I took a loan at Sun Loan.
4 Q. At where?
5 A. Sun Loan.
6 Q. Sun Loan?
7 MR. BILTZ: S-U-N, Loan.
8 A. Just sun Loan.
9 MR. BILTZ: Is that a payday, sort of,
10 loan deal?
11 MR. WEBB: Just a loan.
12 Q. (By Mr. Johnson) Okay. So how is Sun Loan
13 connected with First State Bank?
14 A. I don't know. (Inaudible) I don't know.
15 MR. BILTZ: Well, I mean, you had title to
16 the truck. You went to this --
17 MR. WEBB: Yeah.
18 MR. BILTZ: -- loan company and said,
19 "Here's the title. How much money will you give me for
20 it and" --
21 MR. WEBB: No, I just -- I just borrowed
22 -- I think I borrowed -- on the truck, I just borrowed
23 500 bucks.
24 MR. BILTZ: Okay.
25 MR. WEBB: I didn't borrow much. I just

1 borrowed enough to make me until I can get back with Mr.
2 Pierce again.
3 Q. (By Mr. Johnson) Okay.
4 A. He went to -- I'm thinking he went to Chicago
5 for a board meeting for Proctor & Gamble, I'm thinking.
6 I don't remember. I mean, I really don't, so I don't
7 need to say that, but he went somewhere other than there.
8 Q. Okay. So now that's how the truck got --
9 A. He might have went to his son's in Florida.
10 (Phone rings)
11 MR. WEBB: Hello? Hey, just hold on, man.
12 I'm sitting in a lawyer's office. Okay? So just hold
13 on. Huh?
14 MR. JOHNSON: Get off that phone. The
15 conversation is being recorded.
16 MR. WEBB: No, I'm in a small -- I need to
17 get back to these attorneys real quick, man, so -- it
18 says St. John's Epis- --
19 (Recording stops)
20 Q. (By Mr. Johnson) Okay. We're back on the
21 record.
22 A. Okay.
23 Q. So you -- you take out this little title loan
24 on your truck --
25 A. Yeah.

1 Q. -- because your truck -- you had the full title
2 to it --
3 A. Sure.
4 Q. -- when you walk out that day?
5 A. Absolutely.
6 Q. Okay.
7 A. And Shaw was with me that day.
8 Q. Right.
9 A. We went together to buy that truck.
10 Q. Okay. Well, that's where I got confused,
11 because when I saw the lien on it, I was under the
12 impression it had been paid in cash, but then I see a
13 lien on it --
14 MR. BILTZ: Right. You think there was a
15 balance or something on it that --
16 Q. Okay. So -- so Pierce never paid that loan
17 off?
18 A. Yes, he did.
19 Q. Oh.
20 A. Because they took my truck, and my mom and dad
21 didn't have the money for it.
22 MR. BILTZ: And that was down in Houston?
23 MR. WEBB: Yes.
24 MR. BILTZ: So when you picked up that
25 (inaudible) in Houston, your truck got repoed?

1 MR. WEBB: Yeah. By Sun Loan here.
2 MR. BILTZ: Oh, okay.
3 MR. WEBB: And they brought it all the way
4 back to Navarro County. And my mom and dad said, "Well,
5 we don't want to lose the truck." And I said, "Well,
6 then, go to Mr. Pierce and ask him for the money to get
7 it out," and he gave them the money.
8 Q. (By Mr. Johnson) The truck was impounded by Sun
9 Loan, not the authorities, right?
10 A. No, not the authorities.
11 Q. Sun Loan gets it, brings it back up here, and
12 then your parents get money from Pierce to --
13 A. Get it out.
14 Q. -- pay off the lien that you had taken out on
15 it --
16 A. That's right.
17 Q. -- and get the truck back?
18 A. That's right.
19 Q. Okay. And then you, what, later sold it in
20 2000, something like that?
21 A. I didn't sell it. I was in prison. My dad
22 did.
23 Q. Okay. Your dad sold it.
24 MR. BILTZ: Unbeknownst to you? Because
25 your mom said that wasn't -- that created a little bit of

1 friction, right?
2 A. Yeah, it created a lot of friction. But, I
3 mean, (inaudible) in prison.
4 MR. BILTZ: Yeah.
5 Q. (By Mr. Johnson) Okay. That -- that
6 explains --
7 MR. BILTZ: Trying to figure out what the
8 story was --
9 MR. JOHNSON: Trying to figure out what
10 the story was.
11 (Speaking simultaneously)
12 MR. JOHNSON: What's the date today?
13 UNIDENTIFIED SPEAKER: The 27th.
14 MR. JOHNSON: All right.
15 (Speaking simultaneously)
16 MR. WEBB: Oh, excuse me.
17 UNIDENTIFIED SPEAKER: That's all right.
18 You're good.
19 MR. JOHNSON: Okay. That's out of the
20 way.
21 A. So is this going to be, like, to prove that I'm
22 not telling the truth or, I mean, that I'm (inaudible)
23 fucked up?
24 Q. (By Mr. Johnson) Okay. I'm --
25 A. Okay. What's the real deal here?

1 Q. As I understand it -- and I'm just the
2 investigator -- you got a lot of lawyers working on this
3 thing, right? Your story makes sense, but with your
4 criminal history --
5 A. Okay.
6 Q. -- they will try to impeach your testimony.
7 A. Okay.
8 Q. And say, "He -- you know, he's lied before.
9 He's lying now." But if we get corroboration to
10 authenticate and support your story, that's what all
11 those releases were for. No one said we don't believe
12 you, but there's going to be people saying you were
13 lying.
14 A. Well, you know, this is the thing: If I'm
15 lying so much, then why did they pay me? In this whole
16 thing, they paid me to lie. So now that I'm coming out
17 with all this information, that's something that's never
18 come out before.
19 Q. Right.
20 A. So, I mean, that's -- that's got to do
21 something for -- as far as -- I never wanted --
22 Q. This is just my opinion --
23 A. I never wanted to kill this guy. I never
24 wanted to do this.
25 Q. Right.

1 A. I told them from the beginning. I said, "I
2 don't want to do this." I called the FBI, and I told
3 them, "I don't want to testify. They're forcing me to
4 testify on this guy." They didn't come see me until I
5 was in prison, man. Then I'm at their mercy. I'm not at
6 my mercy no more. I'm not at anybody else's mercy. I'm
7 at the justice system's mercy.
8 Q. You talking about the Feds at this point?
9 A. The FBI came to see me at --
10 MR. BILTZ: At TDC.
11 A. -- in -- at -- at -- at ETM Unit.
12 Q. Okay.
13 A. They came and seen me, and they said, "Look,
14 what's the deal?" I said, "Look, man, I'm scared to say
15 anything now. I don't want to" --
16 MR. BILTZ: "I'm here in prison. I'm not
17 going to tell you now."
18 A. And the thing is that John Jackson's buddy was
19 the IAD guy on there, the guy at Singh. I mean, he told
20 me, he said, "John Jackson told me to come see you.
21 We're going to help you, but you've got to stick to what
22 you said."
23 MR. BILTZ: So some Internal Affairs guy
24 was --
25 MR. WEBB: Yeah, with TDC, man.

1 MR. BILTZ: Are you talking about a guy
2 named [redacted]
3 MR. WEBB: No. I'm talking about a guy
4 named [redacted] or some -- it started with an [redacted] [redacted]
5 or -- oh, God, what's his name? He was from IAD in TDC.
6 His name was [redacted] or -- I mean, something like that,
7 something -- [redacted] It's with a [redacted] [redacted]
8 [redacted] something like that.
9 Q. (By Mr. Johnson) Okay.
10 MR. WEBB: I can't remember the guy's
11 name. I only seen him a couple of times, but he told me,
12 he said, "Look, we're going to protect you," and they
13 still almost got me hit twice.
14 Q. Okay. Let me back up a second so we can keep
15 this thing in chronological order for my benefit.
16 When you first called the FBI, were you
17 still in Navarro County?
18 A. Yes. I was in Navarro County Jail in the
19 basement on their phone calling them and telling them,
20 "Look, they're forcing me to testify."
21 Q. This -- this is pretrial?
22 A. Pretrial. I even told Willie and them. I
23 said, "They're going to force me to testify against you,
24 man."
25 Q. What did he say to that?

1 A. Nothing. Hell, they almost put me in the same
2 damn visitation booth with him one day. He said, "Why
3 are you doing this, man?" I said, "They're forcing me,
4 dude. Come on." Me and him had that conversation.
5 Q. Okay. So you testify, you go to prison.
6 You --
7 A. Yeah, and the powers that be were protecting
8 me, and if I didn't do what they said do, then they
9 weren't going to protect me anymore.
10 Q. They weren't going to protect you physically in
11 prison, right?
12 A. Right.
13 MR. BILTZ: So what did they do to enhance
14 your security profile in prison after you visited with
15 them?
16 MR. WEBB: Put me in segregation, you
17 know, 24-hour lockdown.
18 Q. Okay.
19 MR. WEBB: Come on, now --
20 MR. BILTZ: You did the rest of it in seg?
21 MR. WEBB: It was fucked up. Yeah.
22 MR. BILTZ: And that's how they protected
23 you?
24 MR. WEBB: Yeah.
25 MR. BILTZ: Putting you in solitary?

1 MR. WEBB: Yeah.
2 Q. (By Mr. Johnson) So did you -- did you write
3 letters to --
4 A. Absolutely.
5 Q. Well, okay. Let me finish my question, before
6 you -- back to Jackson, saying --
7 A. Sure.
8 Q. -- "This is what's going on down here."
9 A. Yes.
10 Q. "People are trying to kill me."
11 A. Yes.
12 Q. "Threatening me."
13 A. Yes.
14 Q. So he turns around, then, and --
15 A. And that's when that guy came in from the IAD,
16 [redacted] or whatever his -- because I was on East
17 (inaudible), high security, out there in the little
18 building, seged up. And, you know, it -- it was fucked
19 up. It was -- bottom line, I hate to use that language,
20 but that -- it was messed up, man. I mean, you had --
21 oh, my God, man, you had shit chunkers and piss -- it
22 was --
23 Q. So your --
24 A. It was --
25 Q. Those are private letters you sent Jackson --

1 A. Sure.
2 Q. -- and he sent you letters back?
3 A. Sure.
4 Q. Okay.
5 A. Absolutely. And I'm trying to find those, and
6 I want to give those to y'all. I want to give y'all
7 pictures of them. I want to keep the actual letters, but
8 I will more than gladly give you the pictures of the
9 letters. I don't have a problem with that. But this is
10 the thing, I've got to find those now. I've got, like,
11 15 boxes of letters to go through to find all of those
12 letters, and there's some of them there in my bookcase.
13 I had one that I showed Crystal, my new -- my wife, and I
14 showed her what John Jackson wrote me. He told me, he
15 said, "Look, man, I'm doing everything I can. I am
16 trying to get you a -- a" --
17 Q. Clemency.
18 MR. BILTZ: Yeah, the part of the
19 clemency?
20 A. Yeah, and they -- they did file that. He did
21 file that.
22 Q. Right.
23 A. And back then Bush wouldn't do it because they
24 thought it was a Democratic trick. That's what they told
25 me. I don't know what -- I don't know what happened.

1 You know, I just know that they filed a clemency, and I
2 got those clemency papers and (inaudible).
3 MR. BILTZ: So is Jackson a liberal?
4 MR. WEBB: No. He's a Democrat.
5 MR. BILTZ: (Inaudible)
6 MR. WEBB: And Bush was a Republican.
7 And, see, his first -- the first Bush helped some black
8 guy, and it ended up fucking him in the ass, so they
9 didn't want to help me at all.
10 Q. (By Mr. Johnson) Okay.
11 A. And it was a murder case, same thing. So they
12 didn't want to help me at all, and -- but he tried. I
13 mean, I give him that. He did. He tried.
14 MR. BILTZ: Well, they did everything they
15 said they were going to do, in terms of helping you out,
16 you know.
17 MR. WEBB: (Inaudible) wasn't really
18 guilty because now there's another guy coming forward
19 saying he was there and --
20 MR. BILTZ: Well, it doesn't matter if he
21 was guilty or not. What matters is they -- they fucked
22 up his chance at trial. Guilty, not guilty, we'll never
23 know now.
24 (Speaking simultaneously)
25 MR. WEBB: So why? I mean, why did all

1 these things happen to convict this guy? Because I was
2 under the impression -- I mean, he had me believing
3 100 percent this dude was guilty. That's why I testified
4 about it, but, you know, I mean, the perks was some of
5 it, too. I mean, I ain't going to lie about that. You
6 know, they was willing to help me. They was willing to
7 do anything they could for me. You know, no one has ever
8 done that, so I mean, why wouldn't I help them?
9 Q. (By Mr. Johnson) Well, but it -- it was still
10 false testimony, right?
11 A. Sure. Absolutely. The dude never told me
12 nothing.
13 Q. Okay. Please realize that I got in late
14 in this whole thing. This thing has been going on for
15 years.
16 (Speaking simultaneously)
17 UNIDENTIFIED SPEAKER: I got here a few
18 years ago. Okay. Yeah, yeah.
19 UNIDENTIFIED SPEAKER: I flew back to
20 Corsicana. I'm like, "Willingham, what's this shit
21 about?"
22 Q. (By Mr. Johnson) When you testified at trial --
23 A. This ain't the only case, though. This ain't
24 the only case.
25 Q. No. Let -- let me try and get a timeline

1 straightened out in my own mind. When you testified
2 against Willingham, you were in county still. You had
3 not been to prison yet.
4 A. No.
5 Q. Okay. Did you -- were the bench warrants
6 issued that brought you back to Navarro County?
7 A. Yeah.
8 Q. What did they bring you back for?
9 A. That was later on.
10 Q. I know, but what were they -- what were they
11 for? Do you know?
12 A. They brought me back to Navarro County to
13 protect me.
14 Q. For what?
15 A. To protect me.
16 Q. Okay. Do you know how many times that
17 happened?
18 A. Once.
19 Q. Once?
20 MR. BILTZ: How long were you here?
21 MR. WEBB: I don't know.
22 MR. BILTZ: So you got bench warranted
23 back to the county. You stayed over here for a year or
24 so, and they sent you back to TDC?
25 MR. WEBB: Well, they bench warranted me

1 back here because the Willingham thing was going on, and
2 they wanted me to testify --
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25 UNIDENTIFIED SPEAKER: Off base.

1 Q. (By Mr. Johnson) Yeah. Okay. Let's get back
2 to the bench warrant. Do you remember when that was,
3 what year?
4 A. No, I don't.
5 Q. But --
6 A. I'm not going to lie and say I know.
7 Q. I know.
8 A. I don't remember.
9 Q. Okay. But they kept you in Navarro County for
10 your protection for how long, about a year or --
11 A. I don't remember. They kept me here for a
12 while.
13 Q. Then they -- then you got sent back down and --
14 A. And I was paroled.
15 Q. How long before parole is this that you --
16 A. I don't remember.
17 Q. Don't know. Okay. I don't expect you to
18 remember all these dates, but --
19 MR. BILTZ: Because you went down in '92.
20 A. The records will show it. I mean, I don't
21 even --
22 Q. Yeah.
23 A. I just remember what happened. I don't
24 remember the dates. I don't remember everything like
25 that, but I remember exactly what happened.

1 Q. But to your mind, it was only one time, and
2 Jackson gets his bench -- bench warrant --
3 A. Well, see, they called me up -- when I was
4 still in jail here waiting to go to TDC, they called me
5 up in front of Judge Bub Douglas, and he said, "We have
6 information that you want to change your story." And I
7 was so screwed, I said no, because I had been telling
8 them I wanted to change my story.
9 MR. BILTZ: Before -- this is after the
10 trial, after the Willingham trial?
11 Q. (By Mr. Johnson) After the trial and before you
12 went to prison?
13 A. Yes.
14 MR. BILTZ: So Douglas brings you into
15 open court on the record, and then you said, "No, I don't
16 want to change my story"?
17 MR. WEBB: (Inaudible) because I was
18 scared to death. I mean, I didn't know what to do. The
19 Feds -- I had called the Feds. The Feds didn't come. [redacted]
20 [redacted]
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1 Q. (By Mr. Johnson) Okay. So you go before the
2 judge. He ends up sending you back -- or down, then some
3 period later Jackson gets the bench warrant issued.
4 A. The lady that was in my case said, "Look, this
5 ain't right. He didn't rob me. I don't want him to do
6 no more time," because I didn't rob her. I never was --
7 Q. Okay.
8 A. -- robbing this lady, and they brought me back
9 and she signed the affidavit and everything saying, you
10 know, he's done too much time. It shouldn't -- this
11 ain't right. You need to let him out, because the whole
12 thing about them convicting me for the robbery was
13 because my dad's guns got stole out of his house.
14 Q. Right.
15 A. And the thing was is that, you know, I was on
16 drugs, man, you know, and they wanted me off the streets,
17 and my mom and dad didn't want me to die on the streets.
18 You know what I'm saying? But my mom really wasn't as
19 much involved as my dad was. My dad and (inaudible)
20 Izabel, which is a guy that owns a big -- big real estate
21 company in Dallas, he said -- I went there and worked for
22 him.
23 See, that's the whole thing about this
24 deal with Mr. Pierce. There's a time lapse in there when
25 I was living in Dallas working for Camille, my cousin.

1 And, you know, I didn't need Mr. Pierce. You know, I was
2 trying to do it on my own, and --
3 MR. BILTZ: This is after you get out of
4 jail on the agg robbery --on the robbery?
5 MR. WEBB: No. This was before --
6 MR. BILTZ: This is before --
7 (Speaking simultaneously)
8 MR. WEBB: -- the agg robbery happened.
9 MR. BILTZ: Okay.
10 MR. WEBB: (Inaudible) said, "Well, look,
11 put him in jail for robbery, and we'll get the person
12 that works for me to say that she -- you know, he robbed
13 her, and we'll get him off the streets for a little while
14 and we'll get him clean." But then the Willingham thing
15 come up, so they hurried and convicted me, and then my
16 dad said, "Wait a minute. What the fuck? You know, this
17 ain't right because he didn't do this."
18 MR. BILTZ: And so the relationship that
19 you had with Chuck Pierce, you said you didn't need his
20 help for a while, but prior to that is when you and some
21 other people were receiving help from Chuck, when y'all
22 were young, in exchange for --
23 MR. WEBB: Information.
24 MR. BILTZ: -- for information?
25 MR. WEBB: Absolutely.

1 MR. BILTZ: And then after a while you
2 didn't need his help. You had a job up in Dallas.
3 MR. WEBB: Right. But then when the
4 Willingham thing came up and they had me back in jail,
5 then he came to me and he said, "Look, I'll help you.
6 I'll do this, and John Jackson is will to do all these
7 things for you if you will give his testimony. And John
8 Jackson told me that himself. He said, "Look, I'll do
9 this for you. You know, I can use Mr. Pierce to help
10 you. These are the things that we can do for you."
11 MR. BILTZ: And that's when he was asking
12 you what is it you want --
13 MR. WEBB: He said, "This dude is guilty.
14 This dude is guilty. There's no doubt. Here's the
15 pictures." And they laid them out in front of me. And
16 he said, "Look, there's kids. You got a kid now, Johnny.
17 What are you going to do?" And because I did have a
18 child, what am I supposed to do, man? He done killed
19 three kids. I don't want him out there killing my kid.
20 MR. BILTZ: Let me ask you this: You told
21 me that there was one of the pictures, like a burn on the
22 kid's arms or something?
23 MR. WEBB: Yeah. That's right.
24 MR. BILTZ: There would be no way you
25 would have access to photographic evidence -- you

1 wouldn't be in court, because he's a witness. How else
2 would he have seen --
3 MR. WEBB: Man, I'm telling you, I went to
4 John Jackson's office three or four times, and he laid
5 them pictures out in front of me every time and said,
6 "Johnny, what do you think about that? That could be
7 your child. This dude is guilty. I'm either going to
8 give him 15 and 35, which is the plea bargain, or I'm
9 going to convict this dude and send him off forever. Do
10 you want him out there to kill your kid next or do you
11 want to see him in prison?"
12 MR. BILTZ: So does the project have the
13 pictures and stuff out of the --
14 MR. JOHNSON: I have no clue.
15 MR. BILTZ: -- out of that Willingham
16 file?
17 MR. JOHNSON: I --
18 MR. WEBB: I guarantee you I could -- I
19 could identify the picture. If you just laid it in front
20 of me right now, I can identify that picture because it's
21 burned into my memory, man.
22 MR. BILTZ: Because that's -- there's only
23 one way he would be able to see these to know what these
24 pictures are. It couldn't be through the trial because
25 he wouldn't have been in the courtroom during the

1 testimony. Since he's a witness, he's excluded from
2 being in the courtroom.
3 MR. JOHNSON: He got them out of the
4 evidence bin and showed them to him and -- or he had
5 copies made.
6 MR. BILTZ: Well, that's what I'm saying,
7 the only way he could have seen those pictures if John
8 Jackson showed them to him.
9 MR. JOHNSON: Right.
10 MR. BILTZ: Yeah. So that would be the
11 only explanation of why he has knowledge of the content
12 of those pictures, because he saw them in John Jackson's
13 office, John Jackson showed him.
14 MR. WEBB: I seen the pictures of the burn
15 patterns on the floor in front of the door. I mean, he
16 showed me all that. The burn pattern in front of the
17 front door, man, it's clear, man. It's clear to me, man.
18 It's not like it's not there. It's there.
19 MR. BILTZ: Yeah. So you won't forget it.
20 MR. WEBB: No. I have a kid, too.
21 MR. JOHNSON: I'm trying to find all my
22 notes.
23 MR. BILTZ: Now, one of the things that we
24 had talked about -- Bob, was asking me, "What was [redacted]
25 [redacted] doing while all this was going on?" We talked the

1 other day about it.
2 MR. WEBB: Pretty much not a damn thing.
3 MR. BILTZ: Pretty much not a damn thing,
4 huh?
5 MR. WEBB: Nothing. I didn't even see
6 her. You know, I didn't see my attorney. That's the way
7 Navarro County is, you don't see your attorney. This
8 dude right here, the time I was in jail, just real
9 recently, came to see me almost every week. You never
10 see that in Navarro County, never. These attorneys don't
11 give a shit about you. They go to that DA's office, and
12 they talk to them, and they come back and they tell you,
13 "This is what we're going to give you." That's what it
14 is. It's trace -- its case trade. They trade cases
15 here.
16 Q. (By Mr. Johnson) Sure.
17 A. Why?
18 Q. Bartering --
19 A. Innocent people go to prison behind this
20 bullshit, and --
21 (Speaking simultaneously)
22 MR. BILTZ: What happens around here,
23 nobody thinks that a prosecutor would put a juror or
24 anybody in a position to convict an innocent person
25 (inaudible) clueless.

1 A. I -- I -- [redacted] at the Corsicana Daily
2 Sun, when I first got in jail, I said, "Look, I'm an
3 innocent man. I'm being tried because of the Willingham
4 case and nothing else." And you know what they told
5 me -- they told my wife? They told Crystal, they said,
6 "We're not going to investigate this because you got too
7 many allegations against the Corsicana Police
8 Department." Well, guess who funds the Corsicana County
9 Daily Sun? The Corsicana Police Department.
10 MR. BILTZ: So when you first got picked
11 up on this case is when that happened?
12 MR. WEBB: Yeah.
13 MR. BILTZ: On this one?
14 MR. WEBB: And she said she would not
15 report my case because I had too many allegations against
16 the Corsicana Police Department, and they're the ones
17 that fund that paper, man. It's all inner-bred here,
18 man. Everybody knows everybody. [redacted] is kin to
19 [redacted], who is the probation officer at the
20 courthouse. Everybody is in cahoots with everybody. You
21 can't get a fair trial here, man. If you're guilty in
22 their eyes, you're guilty. That's the way that is.
23 MR. BILTZ: Yeah, I -- I agree. Around
24 here, if you come -- if you're the right -- come from the
25 right family --

1 MR. WEBB: Yeah.
2 MR. BILTZ: -- (inaudible). If you fall
3 on the wrong side of that, it doesn't matter if you're
4 guilty or not, they're going to -- they're going to fuck
5 you.
6 MR. WEBB: That's right.
7 MR. BILTZ: You know, like (inaudible)
8 these people --
9 (Speaking simultaneously)
10 MR. WEBB: I just had a lady call --
11 MR. BILTZ: -- six people.
12 MR. WEBB: I just had a lady call you
13 yesterday that's from Tyler. Her daughter is in there,
14 and she was looking for an attorney. And I said, "You
15 know what, if you want a good attorney, you need to call
16 this guy."
17 MR. BILTZ: Did we get that recorded?
18 MR. WEBB: I mean, he --
19 (Speaking simultaneously)
20 MR. WEBB: (Inaudible). And he does come
21 to see you.
22 UNIDENTIFIED SPEAKER: And [redacted] never
23 did?
24 MR. WEBB: [redacted]
25 [redacted]

1 [redacted]

2 [redacted]

3 [redacted]

4 MR. BILTZ: [redacted]

5 [redacted]

6 MR. WEBB: [redacted]

7 [redacted]

8 [redacted])

9 MR. WEBB: [redacted]

10 Q. (By Mr. Johnson) When Pierce is giving you and

11 those guys -- I guess you call it --

12 MR. BILTZ: Walking around money.

13 Q. -- walking around money.

14 MR. BILTZ: A little spending money.

15 Q. (By Mr. Johnson) And that was for the -- the

16 information you were giving them for the PC affidavits?

17 A. Listen, it wasn't information. They would tell

18 me, "You seen -- (inaudible) substance at this guy's

19 house." Yeah, I did that.

20 (Speaking simultaneously)

21 Q. But (inaudible) seen it?

22 A. No.

23 Q. Okay. So you -- you made up stories so they

24 could make their PC affidavit?

25 A. Absolutely.

1 MR. BILTZ: They told you what stories to
2 make up, and then you would say, "Okay. That's what I
3 saw."
4 A. Absolutely.
5 Q. Did you -- any statements --
6 A. Absolutely.
7 Q. So you signed statements --
8 A. Sure.
9 Q. -- that were really false statements?
10 A. Absolutely. They were false.
11 Q. And they turned around, and I'm supposed to --
12 (Speaking simultaneously)
13 MR. BILTZ: (Inaudible) informant, protect
14 his identify.
15 Q. So Pierce is giving you money on a regular
16 basis --
17 A. I don't even think -- I don't even think he
18 knew what they were doing. He was like -- I tell you
19 what, like a kid with a lollipop. Like if a kid behaves
20 and does good, you give him a lollipop.
21 Q. Right.
22 A. He has his candy. The same way with us. If we
23 did what they asked us to do, they would say, "Okay.
24 Mr. Pierce, help him out." And he says -- he had the
25 money.

1 Q. Okay.
2 A. He would help us.
3 Q. Let me ask you this question: Were you doing
4 any manual labor for him on his ranch or anything? Was
5 he -- were you ever employed by him?
6 A. No.
7 Q. You were never employed by Pierce?
8 A. I mean, I probably put him on my application as
9 an employer because, I mean, he would vouch for me,
10 but --
11 MR. BILTZ: But you never held a job
12 for -- for Chuck?
13 MR. WEBB: No.
14 MR. JOHNSON: Okay.
15 MR. WEBB: Hell, his wife used to bake
16 cookies, man, the best cookies I ever had in my life.
17 They were macadamia -- white chocolate macadamia cookies,
18 man, and we would come over, and she would give us those
19 cookies, man. It was, like, the best cookies.
20 Q. (By Mr. Johnson) So you put him down as an
21 employer, what, for a credit application or for --
22 A. Sure. I put him down for anything. I mean, he
23 was a reference. I mean, I could always count on him to
24 be a reference for me.
25 Q. A whole ago you mentioned that he did not pay

1 the note off for the underwater welding school?
2 A. Apparently. That's what my mom said. I don't
3 know. I haven't even contacted them, but my mom said she
4 did while I was in jail. I've been trying to go through
5 the letters and everything else and trying to find shirts
6 and --
7 MR. BILTZ: Because we -- we requested
8 your record -- payment records from -- and have yet to
9 receive them, from the Ocean Corp.
10 MR. JOHNSON: Yeah.
11 A. And I'm telling you right now --
12 Q. Did you ever -- did you ever pay Ocean Corp
13 yourself?
14 A. I filed for the -- for the --
15 MR. BILTZ: Student aid?
16 A. Pell grant -- yeah, student aid, pell grants.
17 But Mr. Pierce sent me every month $4,000 from his bank
18 account, wired to Ocean Corp, and they would hand me the
19 check (inaudible), and I would take it to their bank and
20 cash that son-of-a-bitch. That's how he got through that
21 loophole.
22 MR. BILTZ: But that wasn't money that was
23 going towards tuition? That was just --
24 A. No. That was --
25 MR. BILTZ: -- spending money?

1 A. That was living expenses.
2 Q. So you -- the wire would come made payable to
3 Ocean Corp. They turn around and give you cash --
4 A. No. They give me a check --
5 Q. Okay. Give you a check --
6 A. -- and I would cash it.
7 Q. They give you a check made payable to you.
8 A. Yes.
9 Q. Okay. But that had nothing to do with tuition
10 or anything like that. That was just --
11 MR. BILTZ: Your living money. You spent
12 this while you were in Houston?
13 A. Sure. He told me -- hell, he bought me
14 a Citizens --
15 Q. So you didn't have a bank account. You just
16 cashed it, right?
17 A. Right. He bought me a Citizens Ocudepth. It's
18 a diving watch. It's a dive computer for diving. It was
19 like, I think, 790-something dollars. I mean, back then
20 that was a lot of money for a watch.
21 Q. Yeah.
22 A. And it was a dive computer, and I could
23 download it on my laptop and everything. It was pretty
24 cool. All of my dive tables were in there. It was
25 really nice. It was a really nice watch. And I bought

1 that at the Galleria.
2 Q. In Dallas?
3 A. No.
4 MR. BILTZ: No.
5 A. No, Houston.
6 Q. Oh, here. Okay. You don't have any of those
7 letters with you right now, do you?
8 A. No, sir.
9 Q. Okay.
10 MR. BILTZ: You want to run down the
11 street and -- he's five minutes away.
12 MR. JOHNSON: Do you -- well, I want you
13 to go, too.
14 MR. BILTZ: Yeah. Yeah. You want to run
15 down there real quick?
16 MR. JOHNSON: (Inaudible.)
17 (Speaking simultaneously)
18 MR. BILTZ: Oh, yeah. You want to run
19 down there and grab --
20 MR. WEBB: No problem.
21 MR. BILTZ: Yeah. Let's run down and grab
22 a couple of them.
23 (Speaking simultaneously)
24 MR. JOHNSON: Before I run anywhere, I'm
25 going to run you up to the --

1 MR. BILTZ: Yeah.

2 MR. JOHNSON: I'll be back.

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1 COUNTY OF BEXAR)

2 STATE OF TEXAS)

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4 REPORTER'S CERTIFICATION

5

6 I, TINA C. FULLER, Certified Shorthand Reporter in
7 and for the State of Texas, hereby certify that this
8 transcript is a true record of the audio recording of the
9 Interview of Johhny Webb, to be best of my ability.
10 I further certify that I am neither attorney nor
11 counsel for, related to, nor employed by any of the
12 parties to the action in which this recording was taken.
13 Further, I am not a relative or employee of any attorney
14 of record in this cause, nor do I have a financial
15 interest in the action.
16 Subscribed and sworn to on this the 24th day of
17 July, 2014.
18
19 _____
20 Tina C. Fuller, CSR
Texas CSR 3633
21 Expiration: 12/31/2014
DepoTexas Firm Registration No. 17
22 Sunbelt Reporting Firm Registration No. 87
1016 La Posada, Suite 294
23 Austin, Texas 78752
512-465-9100
24
25

APPENDIX 5

Monday, October 12, 1992

Note: The Judgment has Robbery of the Offense Convicted of and also n/a for the findings of use of deadly weapon. That is what John Jackson wants it to be. But the penal code is 29.03 which is Aggravated Robbery and the degree is 1st which would be a aggravated robbery. If TDC calls and wants to know which one is correct - tell them ROBBERY with No Deadly Weapon Used.

This note is per John Jackson to Marilyn Greer.

The Correct Penal Code would be 29.02
and the correct degree is a 2nd.

APPENDIX 6

MEMORANDUM OF INTERVIEW

In re:	Cameron Todd Willingham
To:	Barry Scheck, Attorney Bryce Benjet, Attorney
From:	Max M. Wayman
Date:	February 12, 2014
Time:	11:00 a.m.
Location:	District Clerk's Office Navarro County Courthouse Corsicana, Texas 75151
Persons Present:	Jill Grounds Max M. Wayman

---

1. I traveled this date to the Navarro County Courthouse in Corsicana, Texas to meet with and interview **Jill Grounds (Grounds)** concerning her direct knowledge of facts and circumstances relating to the trial of **Cameron Todd Willingham (Willingham)**. This memorandum summarizes the information we discussed during this interview and therefore reflects my judgment and opinion and is not a literal transcription of the discussion that occurred.

Background

2. After identifying myself and stating the purpose for my requested interview, **Grounds** stated she is familiar with questions being asked about the **Willingham** trial, "I've provided them (Innocence Project) documents."

3. **Grounds** then confirmed she has been working for the Navarro County District Clerk's Office for several years, even being employed there during the **Willingham** trial in approximately 1992.

Handwritten Note

4. It was at this time I showed **Grounds** a handwritten note and asked her if she recognized this handwriting.

5. In response, **Grounds** stated, "It's probably the judge's," **Kenneth A. Douglas (Douglas)**, the **Willingham** trial judge.

6. Continuing, **Grounds** said she was familiar with **Douglas**'s handwriting, having seen it on numerous occasions at the clerk's office.

7. Continuing to look at the note, **Grounds** then stated, "I think it's his (**Douglas**'s handwriting), it looks like something he wrote after he talked to April (attorney **April Sikes (Sikes)**)."

8. Continuing, **Grounds** stated this is the first time she has ever seen this handwritten note.

April Sikes

9. It was at or about this time **Grounds** stated **Douglas** knew **Sikes** well, based upon the fact she was an assistant district attorney in Navarro County, having left the district attorney's office just prior to the **Willingham** trial.

10. During the trial, **Sikes** represented **Johnny Webb (Webb)**, a witness for the prosecution.

Typewritten Note

11. It was at or about this time I showed **Grounds** a typewritten note dated "Monday, October 12, 1992" and allowed her to carefully examine the information contained on said note.

12. After reading the note, **Grounds** stated she has never seen this note before, nor does she know whose handwriting is at the bottom of the note, only to speculate, "It was probably written by somebody in the district attorney's office."

13. **Grounds** is unaware of whether or not **Marilyn Greer (Greer)** had communications with the **Willingham** trial prosecutor **John Jackson (Jackson)**.

John Jackson

14. At no time does **Grounds** recall having discussions with **Jackson** about the **Willingham** trial, or specifics associated therewith.

15. Furthermore, at no time does **Grounds** recall having communications with **Jackson** about **Webb** or the judgment rendered against **Webb**.

16. After serving as an assistant district attorney in Navarro County, **Jackson** become a trial judge and has since retired.

Grounds' Signature

17. It was at or about this time **Grounds** continued looking through documents, such as the stipulation of evidence, as well as the judgment, and identified her signature on the bottom of said documents.

Judge Douglas

18. According to **Grounds**, **Douglas** "died about ten years ago."

Conclusions

19. It was at or about this time my interview with **Grounds** was concluded on a note, with **Grounds** providing her work number in the event I have additional questions or if anything else surfaces.

20. The work number **Grounds** provided is: (903) 654-3040.

MEMORANDUM OF INTERVIEW

In re:	Cameron Todd Willingham
To:	Barry Scheck, Attorney Bryce Benjet, Attorney
From:	Max M. Wayman
Date:	February 12, 2014
Time:	10:23 a.m.
Location:	605 Mockingbird Place Corsicana, Texas 75110
Persons Present:	Marilyn K. Greer Max M. Wayman

---

1. I traveled this date to 605 Mockingbird Place in Corsicana, Texas to meet with and interview **Marilyn K. Greer (Greer)** concerning her direct knowledge of facts and circumstances relating to the trial of **Cameron Todd Willingham (Willingham)**. This memorandum summarizes the information we discussed during this interview and therefore reflects my judgment and opinion and is not a literal transcription of the discussion that occurred.

2. After introducing myself and stating the purpose for my requested interview, **Greer** appeared somewhat reluctant to be interviewed so I quickly began showing her documents and after about five minutes she allowed me in her home and the interview commenced.

Background

3. Because **Greer** was somewhat reluctant to be interviewed, the background section of this interview was abbreviated.

4. However, **Greer** did confirm she is the former district clerk of Navarro County and held this position during the **Willingham** trial in approximately 1992.

Handwritten Note

5. It was at or about this time I reproduced the handwritten note for **Greer** to examine and asked her if this note was in her handwriting.

6. After carefully reviewing the handwritten note, **Greer** slowly shook her head side to side, stating, "This is not my handwriting."

7. **Greer** then read the note aloud and after doing so stated that "**April (Sikes (Sikes))** was **Johnny Webb**'s **(Webb)** lawyer" during the **Willingham** trial and is currently a practicing attorney in "Smith County," Texas.

8. I then asked **Greer** if she knew who wrote this note and she replied, "Judge Buck," referring to the **Willingham** trial judge **Kenneth A. Douglas (Douglas)**.

9. After making this comment, **Greer** then stated, "I'm not a handwriting expert, I'm not going to speculate, but it (handwriting) looks like his **(Douglas)**."

10. I then asked **Greer** if she had ever seen this handwritten note before and she again shook her head side to side, stating, "This is the first time I've ever seen this."

Typewritten Note

11. It is at this time I showed **Greer** a typewritten note dated, "Monday, October 12, 1992."

12. After showing **Greer** the note, she read it carefully, stating she is not familiar with this note and does not recall ever seeing it.

13. I then referenced **Greer** to the part of the note that read, "This is note is per **John Jackson (Jackson)** to Marilyn **Greer**."

14. After reading this part **Greer** said, at no time does she recall receiving these instructions from then assistant district attorney **Jackson** and does not recall the handwritten note at the bottom of the typewritten section, believing someone in the district attorney's office must have made that reference.

15. Again, **Greer** shook her head side to side, when handing the note back to me.

Judgment

16. After looking at the judgment, **Greer** stated, "This is something we drew up, but I don't remember it."

17. The information contained in the judgment is something the clerk's office would have received from the district attorney's office.

18. In looking further at the judgment, **Greer** noted it was signed by **Jill Grounds (Grounds)**, as the representative from the district clerk's office.

19. **Greer** then suggested **Grounds** would possibly have more information about this matter than **Greer**; **Greer**'s name was used on all documents since she was the district clerk at the time.

20. **Greer** then commented that **Grounds** still works for the Navarro County District Clerk's Office.

Johnny Webb

21. **Greer** is familiar with **Webb**, she recalled him as a "jail house guy who said something about **Willingham**, saying something to him (**Webb**)."

22. **Greer** also recalled there was an alleged threat that someone was "going to try to kill him (**Webb**)."

John Jackson

23. **Greer** recalled **Jackson** being the assistant district attorney trying the **Willingham** case for Navarro County.

24. At this point in time, **Greer** does not recall discussions with **Jackson** about Texas Penal Code Sections 29.02 and 29.03 at any time.

25. However, this is not to say **Jackson** did have said conversations with **Grounds**.

26. Furthermore, at no time does **Greer** recall having communications with **Jackson** about **Webb** or the judgment rendered against **Webb**.

Conclusions

27. It was at or about this time **Greer** stated she was "going to work out" and needed to terminate the interview.

28. However, **Greer** agreed to give me her cellular telephone number in the event I had additional questions at a later date.

29. The cellular telephone number **Greer** provided is: (903) 654-8582.

APPENDIX 7

NO. 00-00-24471-CR

THE STATE OF TEXAS | IN THE 13TH JUDICIAL
VS. | DISTRICT COURT OF
JOHNNY E. WEBB | NAVARRO COUNTY, TEXAS

JUDGMENT ON PLEA OF GUILTY OR NOLO CONTENDERE BEFORE COURT
WAIVER OF JURY TRIAL

Judge Presiding: Kenneth A. Douglas
Date of Judgment: MARCH 10, 1992

Attorney For State: JOHN JACKSON

Attorney For Defendant: APRIL SIKES

Offense Convicted of: OT FELONY (Forgery)
Penal Code : 32.21
Degree : 3RD

Date Offense Committed: 12-9-91

Terms of Plea Bargain (In Detail): District Attorney Recommendation.

Plea to Enhancement Paragraph(s): N/A

Findings on Enhancement: N/A

Findings on Use of Deadly Weapon: N/A

Date Sentence Imposed: MARCH 10, 1992

Costs: $184.50

Punishment and Place of Confinement: 10 YRS TDC

Date to Commence: 1-9-92

Time Credited: 29 DAYS

Total Amount of Restitution/Reparation: N/A

Restitution to be Paid to: N/A

Concurrent Unless Otherwise Specified.

Defendant present with attorney APRIL SIKES. Identity fixed. Defendant admonished by Court of consequences of plea of guilty. Defendant waived right of trial by jury in person and in writing with consent and approval of the Court and State's attorney. It plainly appeared that defendant was sane and uninfluenced by any consideration of fear or by any persuasion or delusive hope of pardon, tempting him to confess his guilt. Plea of guilty received to indictment. Evidence showing guilt of defendant introduced in the form of written stipulations and waiver of appearance of witnesses consented to by defendant.

Judgment of the Court that the defendant is guilty as charged in the indictment and that he be punished by confinement in Texas Department of Corrections for a term of 10 years and a fine of NONE: it is further order of the Court that the State of Texas do have and recover of and from the defendant all cost of prosecution for which let execution issue. Sentenced to serve 10 years in the Texas Department of Corrections from 1-9-92. Appellate rights explained.

FILED
At 8:10 o'clock a M
MARILYN SOLER
MAR 1 0 1992
By
Clerk, District Court, Navarro County, Texas

PRESIDING JUDGE
DATE SIGNED: MARCH 10, 1992
Notice of Appeal: NO

APPENDIX 8

NUNC PRO TUNC
NO. 00-00-24490-CR

THE STATE OF TEXAS
VS.
JOHNNY WEBB

IN THE 13TH JUDICIAL
DISTRICT COURT OF
NAVARRO COUNTY, TEXAS

JUDGMENT ON PLEA OF GUILTY OR NOLO CONTENDERE BEFORE COURT WAIVER OF JURY TRIAL

Judge Presiding: Kenneth A. Douglas
Date of Judgment: MARCH 10, 1992
Attorney For State: JOHN JACKSON
Attorney For Defendant: APRIL SIKES
Offense Convicted of: ROBBERY
Date Offense Committed: 1-1-92
Penal Code : 29.02
Degree : 2ND
Terms of Plea Bargain (In Detail): District Attorney Recommendation.
Plea to Enhancement Paragraph(s): N/A
Findings on Enhancement: N/A
Findings on Use of Deadly Weapon: N/A
Date Sentence Imposed: MARCH 10, 1992
Court Costs: $209.50
Punishment and Place Of Confinement: 15 YRS TDC
Date to Commence: 1-9-92
Time Credited: 29 DAYS
Total Amount of Restitution/Reparation: NONE
Restitution to be Paid to: N/A
Concurrent Unless Otherwise Specified.
Defendant present with attorney APRIL SIKES. Identity fixed. Defendant admonished by Court of consequences of plea of guilty. Defendant waived right of trial by jury in person and in writing with consent and approval of the Court and State's attorney. It plainly appeared that defendant was sane and uninfluenced by any consideration of fear or by any persuasion or delusive hope of pardon, tempting him to confess his guilt. Plea of guilty received to indictment. Evidence showing guilt of defendant introduced in the form of written stipulations and waiver of appearance of witnesses consented to by defendant.
Judgment of the Court that the defendant is guilty of included offense of Robbery as charged in the indictment and that he be punished by confinement in the Texas Department of Criminal Justice Institution for a term of15 YRS TDC years and a fine of NONE: it is further order of theCourt that the State of Texas do have and recover of and from thedefendant all cost of prosecution for which let execution issue. Sentenced to serve 15 years in the Texas Department of Criminal Justice Institution from 1-9-92. Appellate rights explained.

Kenneth A. Douglas
PRESIDING JUDGE
DATE SIGNED: JULY 15, 1996
Notice of Appeal: NO

CERTIFIED A TRUE COPY
MARILYN GREER
DISTRICT CLERK, NAVARRO COUNTY, TX
ATTEST: 19
BY:

FILED
AT 3:25 o'clock M
MARILYN GREER
JUL 15 1996
BY
Clerk, District Court, Navarro County Texas

APPENDIX 9

NOTES: 15 yrs. or whatever

→ April says this was to be incl. offense of robbery. 2nd — based on camp in Willingham —

APPENDIX 10

AFFIDAVIT

STATE OF TEXAS)
COUNTY OF GREGG)

BEFORE ME, the undersigned authority, on this day personally appeared, Clifton L. Holmes, who after first being duly sworn, stated and deposed as follows:

"My name is Clifton L. Holmes. I am over 21 years of age and competent and qualified to make this sworn affidavit. I am a resident of Upshur County, Texas and have my primary business address in Longview, Gregg County, Texas. I am a lawyer, duly licensed to practice law in the State of Texas, Bar No. 09907000. I am the past president of the Texas Criminal Defense Lawyers Association and a former member of the Board of Directors of the State Bar of Texas. I am admitted to practice before all United States District Courts in Texas, the United States District Court of Arkansas, the 5th and 11th U.S. Circuit Courts of Appeal and the United States Supreme Court.

I discussed the attached documents relating to State of Texas vs. Johnny E. Webb, Cause No. 24490-CR, District Court of Navarro County, Texas in detail with April A. Sikes, Attorney of record for Johnny E. Webb, defendant in said cause. After considering same, said attorney April A. Sikes advised me that she had no recollection of the hand-written notation or any of the attached court documents, and did not recall the specifics of the case. She advised me that she no longer had the file or any records pertaining to the cause.

Further affiant sayeth naught."

Clifton L. "Scrappy" Holmes

Subscribed and sworn to before me on this 23rd of July, 2014.

V. Carol Reese
NOTARY PUBLIC, STATE OF TEXAS
My commission expires: 8/29/2016

NOTES: 15 yrs. ordnance

April says this was to be incl. offense of Kolberg, and based on camp in Willingham —

NO. 24490-CR

THE STATE OF TEXAS

VS.

JOHNNY E. WEBB

IN THE DISTRICT COURT

OF

NAVARRO COUNTY, TEXAS

STIPULATION OF EVIDENCE

Comes now Johnny E. Webb, the Defendant in the above entitled and numbered cause, in writing and in open court, and consents to the stipulation of the evidence in this case and in so doing expressly waives the appearance, confrontation and cross examination of witnesses. I further consent to the introduction of testimony by affidavits, written statements of witnesses, and other documentary evidence. I further consent and agree to any other stipulations appearing of record herein. Accordingly, having waived my Federal and State constitutional right against self-incrimination and after having been sworn, upon oath, I judicially confess to the following facts and agree and stipulate that these facts are true and correct and constitute the evidence in this case.

Said Defendant in person together with his counsel and the attorney representing the State of Texas agrees and stipulates that he, the said Defendant, is the identical person referred to in the stipulated evidence herein, and if the witnesses herein mentioned were present and testifying under oath they would identify the defendant as the person of whom they speak in said stipulations.

I, the Defendant in this case, judicially confess to the following facts and agree and stipulate that these facts are true and correct and constitute the evidence in this case:

On the 1st day of January, 1992, in Navarro County, Texas, I did then and there while in the course of committing theft, and with intent to obtain property of Shirley McAdams, to wit: a purse, without the effective consent of the said Shirley McAdams, the owner thereof, and with intent to deprive the said Shirley McAdams of said property, I did then and there intentionally and knowingly place Shirley McAdams in fear of imminent bodily injury by using and exhibiting a deadly weapon, to wit: a knife. I further agree that I am one and the same

State's Exhibit #1

CERTIFIED A TRUE COPY
MARILYN GREER
DISTRICT CLERK NAVARRO COUNTY, TX
ATTEST: 20-12-20
BY: DEPUTY

PAGE ONE OF TWO

FILED
At 4:00 o'clock P M
MAR 06 1992
By
Deputy District Clerk Navarro County, Texas

person named in the indictment in this case, and that all allegations contained therein are true and correct.

Defendant

SWORN TO AND SUBSCRIBED before me on this 6 day of March, 1992.

District Clerk
Navarro County, Texas

THIS PAGE, AND ALL PRECEDING PAGES OF THIS STIPULATION, ALL UNDER ONE BLUEBACK COVER, APPROVED:

Defendant

Attorney for Defendant

Attorney for State

District Judge

No. 92-00-24490-CR

THE STATE OF TEXAS

VS.

JOHNNY E. WEBB

IN THE DISTRICT COURT

OF

NAVARRO COUNTY, TEXAS

WAIVER OF INDICTMENT

Now comes Johnny E. Webb, defendant herein, accused of the non-capital felony offense of Aggravated Robbery and represented by his attorney and having been advised by his attorney and by the Court of the nature of the charge against him and of his right not to be tried in this case except on the indictment of a Grand Jury, hereby in open Court and in writing voluntarily and knowingly waives his right to be prosecuted by a Grand Jury indictment and announces his election and consent to be charged by information.

Johnny E. Webb
Defendant

April A. Sikes
Attorney for Defendant

ORDER

On this 6 day of March, 1992, the above named defendant having appeared before me with his attorney in open Court, and the defendant having been fully advised of his rights and the nature of the charge against him and that he has a right to be prosecuted by indictment by a Grand Jury, the defendant intelligently, voluntarily and knowingly waived such right and the defendant and his attorney signed the foregoing written instrument in open Court, and the Court hereby approves the waiver of indictment and approves prosecution in this case by information.

Kenneth A. Dunagan
Judge Presiding

CERTIFIED A TRUE COPY
MARILYN GREER
DISTRICT CLERK, NAVARRO COUNTY, TX
ATTEST: DEC 17 2010
BY: DEPUTY

NO. 00-00-24495-CR

THE STATE OF TEXAS | IN THE 13TH JUDICIAL
VS. | DISTRICT COURT OF
JOHNNY WEBB | NAVARRO COUNTY, TEXAS

JUDGMENT ON PLEA OF GUILTY OR NOLO CONTENDERE BEFORE COURT
WAIVER OF JURY TRIAL

Judge Presiding: Kenneth A. Douglas
Date of Judgment: MARCH 10, 1992

Attorney For State: JOHN JACKSON
Attorney For Defendant: APRIL SIKES

Offense Convicted of: ROBBERY
Penal Code : 29.03
Degree : 1ST

Date Offense Committed: 1-1-92

Terms of Plea Bargain (In Detail): District Attorney Recommendation.

Plea to Enhancement Paragraph(s): N/A

Findings on Enhancement: N/A

Findings on Use of Deadly Weapon: N/A

Date Sentence Imposed: MARCH 10, 1992

Costs: $ 209.50

Punishment and Place of Confinement: 15 YRS TDC

Date to Commence: 1-9-92

Time Credited: 29 DAYS

Total Amount of Restitution/Reparation: N/A

Restitution to be Paid to: N/A

Concurrent Unless Otherwise Specified.

Defendant present with attorney APRIL SIKES. Identity fixed. Defendant admonished by Court of consequences of plea of guilty. Defendant waived right of trial by jury in person and in writing with consent and approval of the Court and State's Attorney. It plainly appeared that defendant was sane and uninfluenced by any consideration of fear or by any persuasion or delusive hope of pardon, tempting him to confess his guilt. Plea of guilty received to indictment. Evidence showing guilt of defendant introduced in the form of written stipulations and waiver of appearance of witnesses consented to by defendant.

Judgment of the Court that the defendant is guilty as charged in the indictment and that he be punished by confinement in Texas Department of Corrections for a term of 15 years and a fine of NONE: it is further order of the Court that the State of Texas do have and recover of and from the defendant all cost of prosecution for which let execution issue. Sentenced to serve 15 years in the Texas Department of Corrections from 1-9-92. Appellate rights explained.

FILED
At 8:15 o'clock a.m.
MAR 10 1992
By [illegible]
Deputy

Kenneth A. Douglas
PRESIDING JUDGE
DATE SIGNED: MARCH 10, 1992
Notice of Appeal: NO

NUNC PRO TUNC
NO. 00-00-24490-CR

THE STATE OF TEXAS
VS.
JOHNNY WEBB

IN THE 13TH JUDICIAL
DISTRICT COURT OF
NAVARRO COUNTY, TEXAS

JUDGMENT ON PLEA OF GUILTY OR NOLO CONTENDERE BEFORE COURT
WAIVER OF JURY TRIAL

Judge Presiding: Kenneth A. Douglas
Date of Judgment: MARCH 10, 1992
Attorney For State: JOHN JACKSON
Attorney For Defendant: APRIL SIKES
Offense Convicted of: ROBBERY
Date Offense Committed: 1-1-92
Penal Code : 29.02
Degree : 2ND
Terms of Plea Bargain (In Detail): District Attorney Recommendation.
Plea to Enhancement Paragraph(s): N/A
Findings on Enhancement: N/A
Findings on Use of Deadly Weapon: N/A
Date Sentence Imposed: MARCH 10, 1992
Court Costs: $202.50
Punishment and Place Of Confinement: 15 YRS TDC
Date to Commence: 1-2-92
Time Credited: 39 DAYS
Total Amount of Restitution/Reparation: NONE
Restitution to be Paid to: N/A
Concurrent Unless Otherwise Specified.
Defendant present with attorney APRIL SIKES. Identity fixed. Defendant admonished by Court of consequences of plea of guilty. Defendant waived right of trial by jury in person and in writing with consent and approval of the Court and State's attorney. It plainly appeared that defendant was sane and uninfluenced by any consideration of fear or by any persuasion or delusive hope of pardon, tempting him to confess his guilt. Plea of guilty received to indictment. Evidence showing guilt of defendant introduced in the form of written stipulations and waiver of appearance of witnesses consented to by defendant.
Judgment of the Court that the defendant is guilty of included offense of Robbery as charged in the indictment and that he be punished by confinement in the Texas Department of Criminal Justice Institution for a term of15 YRS TDC years and a fine of NONE: it is further order of theCourt that the State of Texas do have and recover of and from thedefendant all cost of prosecution for which let execution issue. Sentenced to serve 15 years in the Texas Department of Criminal Justice Institution from 1-2-92. Appellate rights explained.

Kenneth A. Douglas
PRESIDING JUDGE
DATE SIGNED: JULY 15, 1996
Notice of Appeal: NO

FILED
At 3:25 o'clock P M
MARILYN GREER
JUL 15 1996
By Deputy
Deb McDonald, Navarro County, Texas

cbg

ATTN: Jill - Dist Clerk

OFFICE OF
PATRICK C. BATCHELOR
DISTRICT ATTORNEY
NAVARRO COUNTY COURTHOUSE • P.O. BOX 831
CORSICANA, TEXAS 75151-0831

TELEPHONE
(903) 654-8045
FAX
(903) 872-0558

July 15, 1998

Records Department
Texas Department of Criminal Justice
P.O. Box 99
Huntsville, Texas 77340-0099

Board of Pardons and Paroles
P.O. Box 13401
Capitol Station
Austin, Texas 78711

COPY

RE: WEBB, Johnny JDCJ-ID #626266

Gentlemen,

I have recently received a letter from Johnny Webb which indicates that your records show that he was convicted of the offense of Aggravated Robbery when, in fact, he was convicted of Robbery.

Examination of the records of the District Court disclosed that the original judgment reflected a conviction for Robbery, but also indicated the Penal Code section for Aggravated Robbery.

To clarify this matter, I examined our records, along with the records of the attorney who represented Mr. Webb. Based upon this, I requested that the Court enter a judgment nunc pro tunc in order to remove any doubt that Mr. Webb should stand convicted of the offense of Robbery, 2nd degree, which is an included offense of that with which he was orignally charged.

I would appreciate your taking this information into consideration when computing any parole eligibility.

With best regards,

John H. Jackson
First Assistant District Attorney

cc: Johnny Webb

CERTIFIED A TRUE COPY
MARILYN GREER
DISTRICT CLERK, NAVARRO COUNTY, TX
ATTEST: 20DC-[illegible]
BY: [illegible] DEPUTY

REPRODUCED FROM THE HOLDINGS OF THE TEXAS STATE ARCHIVES

1 handle that on my conscience."

2 So it went on about three weeks. He said, "Look, do

3 you want me to tell someone?" I said yeah. That's when

4 he said, "Okay. I will tell them what you told me."

5 Q Do you remember the first time I talked to you,

6 Johnny?

7 A Yes, I do.

8 Q You remember the first thing I told you?

9 MR. MARTIN: Your Honor, we object to

10 hearsay.

11 MR. JACKSON: I will rephrase the

12 question, Your Honor.

13 THE COURT: All right, sir.

14 BY MR. JACKSON:

15 Q Do you remember our conversation when I first

16 met with you over across the street?

17 A Somewhat, yes, I do.

18 Q Johnny, have I ever promised you anything in

19 return for your testimony in this case?

20 A No, sir, you haven't.

21 Q As a matter of fact, I told you there is

22 nothing I can do for you.

23 MR. MARTIN: Object. Leading.

24 THE COURT: Overrule the objection.

25 THE WITNESS: You said there was nothing

REPRODUCED FROM THE HOLDINGS OF THE TEXAS STATE ARCHIVES

1 that no one can do for me.

2 BY MR. JACKSON:

3 Q Do you understand you placed yourself at risk

4 by coming forward with this testimony?

5 MR. MARTIN: Your Honor, we object to

6 that as leading, assuming some facts not in evidence.

7 THE COURT: Go ahead.

8 MR. MARTIN: There is no evidence

9 whatsoever that he has been placed at risk at all in any

10 way.

11 THE COURT: I sustain the objection.

12 MR. JACKSON: Pass the witness.

13 MR. MARTIN: Judge, I need to get the

14 black board, if I may.

15 THE COURT: Sure.

16 CROSS-EXAMINATION

17 BY MR MARTIN:

18 Q Mr. Webb, how long have you been in jail?

19 A Six, seven months.

20 Q And you were in jail -- this time, was it

21 robbery or burglary?

22 A Both. Burglary, robbery and forgery.

23 Q Who did you rob? A woman?

24 A Yes.

25 Q Robbed her of her purse?

REPRODUCED FROM THE HOLDINGS OF THE TEXAS STATE ARCHIVES

1 A Just came around. You know, they ask us for
2 bleach to clean their showers. We give them the stuff.
3 That's about it.
4 Q How did you learn his name?
5 A Well, I've known him before from jail. I've
6 been there. I know who he is.
7 Q This wasn't the first time you met him?
8 A No, it wasn't.
9 Q Now, presently, you are under a sentence of 15
10 years to do in the penitentiary?
11 A True.
12 Q Is that aggravated or non-aggravated?
13 A Aggravated.
14 Q How much time do you understand that you will
15 stay at minimum in the penitentiary?
16 A Three years, nine months.
17 Q And when were you sentenced to that?
18 A Sometime either in late January or early
19 February.
20 Q Do you know why you are still here?
21 A Basically, no, I don't. I think to testify on
22 this, but I'm not sure.
23 Q You should have gone to the penitentiary before
24 now, but you you've been held over to testify here?
25 A Not necessarily. There's another person in

APPENDIX 11

ATTN: Jill - Dist Clerk

OFFICE OF
PATRICK C. BATCHELOR
CRIMINAL DISTRICT ATTORNEY
NAVARRO COUNTY COURTHOUSE - P.O. BOX 621
CORSICANA, TEXAS 75151-0621

TELEPHONE
(903) 654-3045
FAX
(903) 872-6858

July 15, 1996

Records Department
Texas Department of Criminal Justice
P.O. Box 99
Huntsville, Texas 77340-0099

Board of Pardons and Paroles
P.O. Box 13401
Capitol Station
Austin, Texas 78711

COPY

RE: WEBB, Johnny JDCJ-ID #626256

Gentlemen,

I have recently received a letter from Johnny Webb which indicates that your records show that he was convicted of the offense of Aggravated Robbery when, in fact, he was convicted of Robbery.

Examination of the records of the District Court disclosed that the original judgment reflected a conviction for Robbery, but also indicated the Penal Code section for Aggravated Robbery.

To clarify this matter, I examined our records, along with the records of the attorney who represented Mr. Webb. Based upon this, I requested that the Court enter a judgment nunc pro tunc in order to remove any doubt that Mr. Webb should stand convicted of the offense of Robbery, 2nd degee, which is an included offense of that with which he was orignally charged.

I would appreciate your taking this information into consideration when computing any parole eligibility.

With best regards,

John H. Jackson
First Assistant District Attorney

cc: Johnny Webb

APPENDIX 12

OFFICE OF
PATRICK C. BATCHELOR
CRIMINAL DISTRICT ATTORNEY
NAVARRO COUNTY COURTHOUSE - P.O. BOX 521
CORSICANA, TEXAS 75151-0521

TELEPHONE
(903) 654-3045
FAX
(903) 872-6858

October 21, 1992

S.O. Woods
Classification Section
Texas Dept. of Corrections
P.O. Box 99
Huntsville, TX 77340

RE: Johnny Webb, convicted of Robbery, Navarro County, Texas

Dear Mr. Woods,

The referenced individual has been convicted of robbert in Navarro County, Texas, and is scheduled for transport to TDC in the near future.

Mr. Webb was a pivotal witness in a capital murder prosecution in Navarro County, Texas. This case was styled State v. Willingham and resulted in assessment of the death penalty. Webb has placed himself at risk based upon his testimony in this case, and I fear that he may suffer réprisal if placed in the general population of TDC.

Webb has a a medical condition that would enable him to be placed in a medical unit, which I believe would be lower profile and perhaps less stressful than a protective custody unit.

As you are aware, there is no guarantee of affirmance on any case, much less a capital case. Webb's testimony may be necessary at at later stage of proceedings and I would appreciate your attempting to place him in an environment that guarantees the smallest risk.

Very truly yours,

John H. Jackson
First Asst. District Attorney

APPENDIX 13

OFFICE OF
PATRICK C. BATCHELOR
CRIMINAL DISTRICT ATTORNEY
NAVARRO COUNTY COURTHOUSE - P.O. BOX 521
CORSICANA, TEXAS 75151-0521

TELEPHONE
(903) 654-3045
FAX
(903) 872-6858

November 20, 1992

S.O. Woods
Classification Section
Texas Department of Corrections
P.O. Box 99
Huntsville, Texas 77340

BY TELECOPY: (409) 294-6227

RE: Johnny Webb, No. 626256, presently confined in Ferguson Unit

Dear Mr. Woods,

I would appreciate your consideration of a transfer of the refernced inmate to a unit such as Jester or Beto II. There are several reasons for this request. Primarily, this inmate was of pivotal importance in a capital murder prosecution, State v. Cameron Todd Willingham which resulted in a death penalty. Webb testified on behalf of the State, and, as a result has placed himself at risk and received numerous death threats from other inmates and family members of Willingham, who also has relatives in TDC.

Webb has some sort of psychological condition and requires medication. I feel that this may, taken with other circumstances, warrant that he be moved to a medical unit which would place him in more secure circumstances with less threat of reprisal.

I would appreciate your consideration of this request at your earliest convenience; and would also appreciate your reply relative to the feasibility of this request.

Very truly yours,

John H. Jackson
First Assistant District Attorney
Navarro County, Texas

PS: in the event of reversal, I would also like to be able to count on Webb's continued cooperation. JHJ

APPENDIX 14

C.S. Pearce Jr.
Box # 645
Consicana, Tx. 75151-0645

DALLAS, TX 752
PM
23 JAN
1995

NPC #6
Johnny Webb # 626256
Rt. # 1. Box # 16
Lovelady, Tx. 75851

REFERS
TO NEW
APPOINTMENTS
IN BUSH ADMIN.

Eastham Unit

11-23-75

Dear Johnny,

I just received your long-awaited letter of the 19th. Many thanks for your [illegible] that the Naval Chaplain's Office [illegible] forwarded it to Gary. [illegible]

[illegible] for the mitzvah. But if you [illegible] the Scroll [illegible] so that [illegible] would be able to look for [illegible] written to [illegible] offer in about a month a prolonged visit [illegible]

[illegible]

more reasonable. Though in one thing I feel we can be reasonable at the same time.

I just tried to call Dr. Gulf as you requested. I got no answer. I'll keep trying, & let you know as soon as I get through.

There is little news to report today.

Mornings & afternoons in the high 50's. Higher than that trying to climb. A friend gave me a really nice pair of wool socks. Wish we had got our stuff in sooner.

Esbeck,

Clearcage

25% COTTON

C.S. Pearce Sr.
Box # 645
Corsicana, Tx. 75151-0645

DALLAS TX 752
PM
27 MAY
1995

NPC #1
Johnny Webb # 626256
Rt. # 1, Box # 16
Lovelady, Tx. 75851

75851

Eastham Unit

[redacted]

Dear Johnny:

I've arranged for your subscription to the Daily Sun, & they said it might take a week or ten days for the paper to get started. With that in mind, I am enclosing an article with special interest for you. Aren't you glad that the Appeal Court didn't let it go — it would have [illegible] again — not exactly a pleasure for you. Still, I suppose you folks one more year [illegible] have to walk softly!!

[illegible] 65/0001 TON

[illegible] Fillen Mc Rae & Molly. I grew up with that program & will always remember Fillen's [illegible] Yes, I've heard the Radio Theater. There are often very funny shows. Have you heard "The Bickersons"? (Don Ameche & Frances Langford) You're right, clean comedy has faded away. I still enjoy it. Cisly can be nasty but he has several clean shows that are a riot! (about raising children)

We have excellent beautiful Spring weather ... flowers everywhere & the

sucker shots on my old tires need your magic touch again! You'd best hurry!

I'll be interested to hear how your Ray course suits you. As you say, it might tell you what makes you tick. I hope soon you can get to some of the other courses I mentioned. All knowledge, no matter how diverse, will be of help.

I'm glad the money [illegible]

Best to you—

Edward

0001

925-373-5916

C.J. Pearce Jr.
Box # 645
Corsicana, TX. 75151-0645

DALLAS TX 752
PM
22 MAY
1995

NPC #1
Johnny C Webb # 626256
Rt. # 1, Box # 16
Lovelady, TX. 75851

Eastham Unit

20 May 75

Dear Johnny:

Let's see ... your last letter was written on the 15th. Sorry to be delayed in answering. Our year has been wonderful. We

moved. It took the kiddies a week to do the job. They were excited enough to clean up. I had to keep on them about the

Lost Sleeper. I visited Fanny at St. Vincent's

Her first visit. 25/6 BOTTON It was quite an adventure for her. I was anxious for her

to see Fanny. How did she react? Well

knew him as a scrawny teen-ager. The change is astounding.

With elections was consciousness very calm. So far John Jackson and the only sure candidates for District Judge. Of course, others can announce any time. But I hope there won't be more. It gets

many what with self votes & ruff. I think
Bob Douglas will suggest Jackson. He hasn't
much use for Gil —

Carey is in town for a few days
between semesters. He currently is in
prob'm at N. Tex St. because of his
[illegible]

his average for reinstatement. At the moment
he is in Shangri-la with his girl (Mademoiselle ...
and how grand!!) Back in Arizona a
few years ago Carey won on a long shot a
[illegible]
he doesn't have much to gamble with
I will try a set of his money
[illegible]
use the money to pay the house —
The [illegible]

925.3 Carey
NOTTOWAY

C.S. Pearce Jr.
Box # 645
Conroe, Tx. 77301-0645
DALLAS, TX 752
PM
11 AUG
1995
Old Glory
Johnny Webb # 626256
Wynne Unit ~~H-1-027~~
Rt # 1, Box # 1 B1-44
Huntsville, Tx 77349

8/11/95

Dear Johnny:

I've been thinking of you a great deal — hoping you are all right. Your most recent letter gave me good cause to worry. I took your letter directly to [illegible]

[illegible] of this in TDC requesting that he look into your situation. Beyond that I know nothing except that a call to Huntsville [illegible] you still at Wynne. I hope there are ways you can [illegible] at that unit.

I'm wondering — did you receive [illegible] mentioned it — I'm not sure. I still have the receipt.

[illegible] coming your way soon. Wynne is one of only two units [illegible] — and then [illegible] no more [illegible] months [illegible]

getting mighty tough!

I've had my second batch of grand kids with me this past week. They were the Arizona grandkids — older than the Florida batch & easier to entertain. Anyway I think visits are over for this summer. In a way I'm just as glad. [illegible] most comfortable weather — especially — the super hot weather we have been having. Mornings are O.K., but afternoons are rough!

Well, let's hear from you — set my mind at ease. I'll be looking for a letter —

Take Care —

Esbeck

C.B. Pearce Jr.
Box # 645
Corsicana, Tx. 75151-0645

DALLAS TX 752
PM
29 AUG
1995

NPC #26
Johnny Webb # 626256
Rt. #01, Box # 16
Lovelady, Tx. 75851

Eastham Unit

8/30/[illegible]

Dear Johnny:

Most certainly I am glad to know that you are safe & sound back in Carthage. I guess that [illegible] moved in the front place & your records have been there long enough for you to be granted your [illegible] since you are back & already closed to the [illegible]

I knew before you left that you were going to Wynne [illegible] summer school — Jackson's [illegible] I'm glad you are getting [illegible]

By the time [illegible] John may well be District Judge in which case his word will carry more weight. I am [illegible] your school [illegible] such a shave. I will be [illegible] especially in the election. I don't ask for anything.

[illegible] I will try to [illegible] get your subscription [illegible] Carthage [illegible] as soon as you [illegible]

Sincerely yours, [illegible]

12/27/95

Dear Johnny:

Well, Xmas is over .. Carey has gone back to Denton, & we are getting back to normal. It was a nice Xmas .. that is good Good & generous Santa Claus. There aren't many [illegible] these days .. at least for our age group. There is one New Years thing which we will look in on — I don't think anymore, a small talk is not "my cup of tea".

0001

I watched the Cowboys on Monday night. They won, but did not look just wonderful doing it. Maybe if they get back some of their wiggles they will do O.K. in the playoffs — I made in the morning go on Bill Ryan & his whole staff [illegible] team. Billy [illegible] like I'm glad to see him go —

My wife & daughter are flying to Singapore for a two week [illegible]

through Asia in Feb. — That was an Xmas present from me. I'm happy to stay home with all its creature comforts — I got my fill of travelling some years ago.

I'm glad Mr. McElyea came to see you. He is about the only relative we have inside D.C. — I will stop & see John Sachse & give his mommy. Maybe he has heard something from Paul.

It's [illegible] this letter will find you [illegible] & get [illegible] how to keep me posted on your whereabouts. I'm not sure where Ramsey is —

[illegible] alone in the world —

OSB.

C.J. Pearce Sr.
Box # 645
Corsicana, Tx. 75151-0645

DALLAS, TX 752
PM
06 JAN
1996

RELOCATION
LETTER
MR. MCELYEA!

Johnny Webb # 626256
Rt. # 1, Box # 16
Snyder, Tx. 75851

PC
9

East Texas Unit ADM-SEG

Dear Johnny:

I sent $100 to [illegible]

The same day I received your letter [illegible]

[illegible] will make things some easier for you.

You ask about Singapore [illegible]

will tell you, I'm surprised you don't

know about Singapore. It's probably the most

important commercial city in Asia [illegible]

[illegible] Hongkong [illegible] China, [illegible]

[illegible] I have been there twice. It is [illegible]

[illegible] It's airline is the only one [illegible]

[illegible]

It is so very long — some 18 hrs!

Jackson has heard from Conde

[illegible]

[illegible] from his [illegible] Church [illegible] can

be no guarantee, but you're looking in

your [illegible]. [illegible]

[illegible] feeling [illegible]

would not be [illegible] for long [illegible]

Have not been able [illegible]

Name change [illegible]

[illegible] we want to keep the [illegible]
Jonna Wilks might do for you. As for
Arkansas as a new location, I may do
[illegible] Jose to Texas — that is, you might
easily be gotten by someone who knows you —
Further away would be better — not meaning
Alaska — but maybe Arizona or Colorado. The
Lemon [illegible] to make [illegible]
to think about it.

It's [illegible] in the 20's
& 30's [illegible] Y'all [illegible]
[illegible] GIRL'S [illegible]
[illegible] 25% COTTON
Cowboys play tomorrow [illegible]
my fingers crossed —

Don't give up the ship —

Best,

[illegible]

C.B. Pearce Sr.
Box # 645
Consicana, Tx 75151-0645

E4-17

28 MAR 1996

Johnny Webb # 626256
Rt. # 4, Box # 1100
Rusharon, Tx. 77583

Ramsey I - ADM-SEG

77583/9999

Dear Johnny: 3/27/96

Don't feel as though you have been abandoned. I have taken your [illegible] to John Jackson & he has [illegible] a special file on your problems. He has talked with Paula & may be in touch with a couple of state [illegible] Perhaps Harold & Johnny efforts will produce some results. There are of course no guarantees. I just want you to know that people are trying to help.

I am concerned with your legal efforts. It's a complicated business. Who is helping you? I know I couldn't handle that on my own. Maybe — just maybe — [illegible] in exchange for dragging your suits —

You ask if Jackson is now District Judge — No — not yet — the recent elections were primaries where each party selects their candidates for various offices. In November those candidates run against each other — Jackson (Dem.) vs Gill (Rep) — the real gamegoing hasn't yet begun —

You also ask about Gary Mottier. His parole was denied with a year's "set off" — He is disappointed & will try to get transferred to a unit where he can continue his education.

You also ask about Carey. He will graduate from his basic course after summer school & then finish up in about three months. Then comes the hard part — finding a job. It's not as easy as it may seem —

Not much new here. Spring is mighty slow in coming. Trees are showing some green & 0001 ornamental trees are in bloom. — Still, it [illegible] nights even some hail & our first tornado warning of the season. A little rain here helped — everything is [illegible].

Well then — Stay cool & do your best. I know times are hard, but hopefully things will look up your way soon.

Best to you —

Clearchased

25% COTTON

5/13/96

Dear Johnny:

Thanks for your most recent letter — You lead a very complicated life — You will be very glad to know that John Jackson is working very hard in your behalf & hopes for good results. Do what you feel you must but don't rush the best of this [illegible]

Concerning the stipends you mail — I you will [illegible] forms you [illegible] will do my best to help —

Mrs Pauline received your letters Dear and in the morning mail — most thoughtful & much appreciated —

The great gentleman of the mail is written "written" by the writing not wrote —

C.B. Pearce Sr.
Box # 645
Corsicana, Tx 75151-0645

DALLAS, TX 752
PM
5 JUN
1996

E4-17

Johnny E. Webb # 626256
Rt #4, Box # 1100
Rosharon, Tx. 77583

Ramsay I - ADM, -SEG 77583/9999

5/15/10

Dear Johnny:

Thanks for your most recent [illegible]

You lead a very complicated life —

You will be very glad to know

that John Jackson is working very

hard in your behalf & hopes for great

results. Do what I can for you most

[illegible]

Concerning the [illegible] you need

I am [illegible] John [illegible]

will do my best to help —

P.S. I have received your [illegible]

[illegible] in the morning mail next

[illegible] much appreciated —

[illegible] the great satisfaction [illegible]

[illegible] written [illegible]

6 15 [illegible]

Dear Johnny:

You are not forgotten — There are long days — but one's too — It did rain a little this morning, but not enough to solve the drought problem. Tanks, many are dried up.

Wheat fields that were meant for grain are now being grazed.

I'm wondering if you can receive the things I sent you. I was lucky the day I [illegible] all that sending stuff to prisons. I guess you have not collected a lot of stuff to be sent those you got everything with no hassle —

Tomorrow I will try to see John Jackson again. I'm still in the dark. I've tried to work some angle with the [illegible] shuffle — [illegible] Please let me know if you get this and if you don't give up.

Fran 259 [illegible]

C.S. Pearce Jr.
Box # 645
Consicana, TX 75151-0645

DALLAS, TX 752
PM
11 JUL
1996

6-217

Johnny Webb # 626256
RT 4, Box # 1100
Rosharon, Tx. ~~77583~~

Ramsey I Unit ADD SEG

7/10/96

Dear Johnny:

Grandchildren have come & gone, and life is back to normal..... Normal these days is very hot!

By all means, Johnny, send on what it is that needs copying --- just so long as it isn't too terribly much.

I know it has been a while since I last wrote, but you are not forgotten. John Jackson is still working to get your release. To be sure it is a snarled up situation, with no quick fix, but people are trying. It would help if there were some believable guarantee that you wouldn't mess up again ... I mean the drug thing — those willing to help don't want to look bad if on release you go down again. One more time, & there would be nothing anyone could do.

0001

Do you ever hear from your family? I used to see your dad in H.E.B. occasionally, but not recently. The old home place looks pretty messed up. I'm wondering if they have moved —

Your battle is not the only one I am waging. Getting Gary transferred is proving mighty tough. It seems I spend half my life writing letters. So far no luck, but I keep trying — It's a lot like wading through an endless swamp!

The grandchildren were fun, but I'm a bit old for endless chatter & occasional fussing. It's good to see them both coming and going. And now I'm a Great grandfather! Wow... that is old!

Keep the faith, friend —

Best to you —

C.S. Pearce Jr
Box # 645
Corsicana, Tx. 75151-0645

DALLAS, TX 752
PM
3 SEP
1996

E2-17

Johnny Webb # 626256
Rt # 4, Box # 1100
Rosharon, Tx. 77583

77583/9999

Dear Johnny:

9/3/96

Thanks for your letter of the 23rd — Sorry to be so delayed in answering. It seems like things come along all at once —

Let's see about your questions: Yes, the lakes are still very low despite a 6" rain a couple of days ago. There's not much difference in the Big Lake, but stock tanks caught a fair amount of water — For a while, ranchers were using city water where available!

And yes, Casey is still in college. He has completed his undergraduate work in Law Enforcement & in October will have 6 mos. in the Academy — After that, if no great job comes along, he wants to go for his Bachelor's Degree at N. Tex — that would qualify him for a really good job (in theory)

I saw Gary last weekend — He is fine, but still trying to get on with his education. His '96 parole review comes up next month, so I guess that's a possibility — I don't know what more I can do or say to help in that matter, but I'll keep trying —

0001

I liked your poems -- especially the content. You can tell that the feelings expressed are genuine. When you write poetry -- unless "blank" or "free" verse -- you should watch your meter - It always jars the reader when meter is broken -

This saturday the college is opening the Civil War collection I have donated. I expect the paper will carry a big article about it, so be on the look out.

No special news to speak of -- same old -- same old -- I'll try to see John Jackson today or tomorrow -

Best to You.

C.S. Pearce Jr.
Box # 645
Consicana, Tx. 75151-0645

E2-17

DALLAS, TX 752
PM
'13 SEP
1996

Johnny Webb # 626256
Rt. # 4, Box # 1100
Rosharon, Tx. 77583

Ramsay I ADM-SEG

Dear Johnny: 9/13/96

Concerning your most recent letter, several matters need discussing:

As concerns going back into general population, I advise against it. I'm convinced you would put yourself in immediate danger & in fact would not get you paroled any sooner. I suggest it is general policy to get inmates out of Protective Custody as soon as possible.

And now, about going public with your complaints; As of now, I advise against it — there is no guarantee you would get the publicity you want, and then again your record is not one to run on — Assuming the media would listen to you, it would affect not only you but would reopen a rehash the whole Willingham case. That would not gain you any friends & would in fact keep John from doing anything for you.

I have shown your letter to John, and he says he will write you directly about your prospects for parole. Read his letter

C.S. Pearce Jr.
Box # 645
Consicana, Tx. 75151-0645

DALLAS, TX 752
PM
26 SEP
1996

Johnny Webb #826256
Rt # 4, Box # 1100
Rosharon, Tx. 77583

Ramsey I Unit

Dear Johnny:

Inclosed is the letter you asked to have returned to you. I showed it to John, and he wants to contact the Houston D.A. concerning any special information she may have. John says he has written you. I would point out to you that there are some things that can & some that cannot be discussed in a letter. You will have to go along on this, & I can assure you that people are working in your behalf. That's all I can say at this time.

Stay cool & try to stay out of harm's way. I still think General Population is a good place for you.

Best,

APPENDIX 15

OFFICE OF
PATRICK C. BATCHELOR
CRIMINAL DISTRICT ATTORNEY
NAVARRO COUNTY COURTHOUSE - 2nd FLOOR
CORSICANA, TEXAS 75151-0281

TELEPHONE
(903) 654-3040

FAX
(903) 654-3115

November 27, 1995

Chief Eddie McElyea
P.O. Box 99
Huntsville, Texas 77342

RE: Johnny E. Webb, #626256; Eastham Unit

Dear Eddie,

I hate to keep bothering you with Johnny Webb problems, however, I received a letter from him alleging that a correctional officer by the name of Cheney has suggested that he recant his testimony in the Willingham capital murder case. As you are aware, Webb is not exactly a model citizen, but I would be very concerned if TDC personnel is leaning on him in an attempt to change his story.

I would very much appreciate your assessment of the situation, particularly with regard to whether he is in any real danger.

Your consideration in this matter, as always, is very much appreciated.

Very truly yours,

John E. Jackson
First Assistant District Attorney

APPENDIX 16

34490

IN THE 13TH DISTRICT COURT OF
NAVARRO COUNTY, TEXAS, CITY
OF CORSICANA, TEXAS 75110

TO WHOM IT MAY CONCERN:

STATE DISTRICT JUDGE, HONORABLE KENNETH "BUCK" DOUGLAS

COUNTY DISTRICT ATTORNEY, HONORABLE JOHN JACKSON

Re: WITNESS REQUEST FOR A PROTECTIVE ORDER BY JOHNNY E.WEBB

HONORABLE OFFICIALS,

My name is Johnny E.Webb, prison identification number 626256. The Texas Department of Criminal Justice-Institutional Division (TDCJ-ID) Unit where I am incarcerated is the Ramsey I unit in Brazoria County, Texas. Prior to January 10, 1996, however, I had been incarcerated in the Eastham Unit of the TDCJ-ID in Houston County, Texas.

First, I will recount the relevant history related to this matter. In 1992, I testified in favor of the state against Todd Willingham, who was convicted and sentenced to death for Capital Murder. Since I had already been convicted in an unrelated case, subsequent to that conviction I was transferred to TDCJ-ID.

Stating facts related to the period when I was incarcerated in the Eastham Unit of the TDCJ-ID, I was threatened with harm by TDCJ-ID officer [redacted]. This encounter took place on about November 14, 1995. Officer [redacted] threatened me with harm, if I did not recant testimony which I gave in this court in the Willingham

trial. Officer [redacted] told me that I had to write to Mr. Willingham, where I put him [on death row] and straighten things out with him, but that, if I didn't do that, the threats would continue. He further stated that, if I told on him, nothing would happen to him and I would only be transferred to the Ramsey I Unit where he had friends who would come talk to me?

Behind this incident, I filed a lawsuit alleging the above-allegations against officer [redacted]. See Case number # 9:95cv451 (Webb v. [redacted] Fed. Dist. Court--Lufkin Div.). Shortly after the filing of that lawsuit, I was transferred to the Ramsey I Unit, as officer Cheney had told me.

Since my arrival at Ramsey I Unit, I have been the target of retaliation from, at least, two officers. These officers have subjected me to false disciplinary cases. As a direct result, I have reached the lowest class status, lost good time, lost personal property, have been kept on loss of privileges, and have found foreign objects in my food when those officers have passed out trays. As officer [redacted] told me, all these things would continue.

It is my personal understanding that A.P. Merillat of the Special Prosecution Unit Huntsville, Texas, and Cindy Maria Garner, District attorney in Houston County, Texas are well aware of other complaints from other inmates lodged against officer [redacted]. Also, I have previously informed you, Mr.John Jackson, and the Special prosecution Unit about

my encounter with officer [redacted]. However, nothing has been done to help me after I have placed my life in jeopardy for the State of Texas.

There are several witnesses that would corroborate my allegations against officer [redacted] and the Ramsey I Unit incidents. The inmate-witnesses from the Ramsey I Unit are: (1) Neil French, # 626249; (2) Victor Estrada, # 458432; (3) Nolberto Ortega, # 512899. The inmate-witnesses from the Eastham Unit are (1) [redacted] (2) [redacted] (3) [redacted]; and (4) [redacted]. All these witnesses have made known to me that they are willing to testify to the allegations made herein.

It is my most urgent and respectful request that this court grant a protective order placing me under this court's protection, either by placing me in custody in the Navarro County Detention Facility, or turn me over to Federal authorities so that they may take custody. If possible, any witnesses herein named, that would testify in my behalf, I would also request this court grant them protection because I seriously believe that, if left where they are, they would be the subjects of the same retaliation that I am going through.

The court possesses the jurisdiction to grant a protective order for my protection because I freely gave testimony in the Capital Murder trial of Mr.Willingham, without fear of retaliation, harassment, or threats from others. It is like entering into a contractual agreement.

See, e.g., U.S. Life Title Co. of Dallas v. Andreen, 644 S.W.2d 185, 191 (Tex.App.--San Antonio 1982, writ ref'd n.r.e.). When interpreting the meaning of a contract, a court must look to the objective, not the subjective, intent which controls. Swaminathan v. Swiss Air Transport Co., Ltd., 962 F.2d 387, 389 (5th cir. 1992). The question of whether a contract is ambiguous is a question of law for the court to resolve. Shelton v. Exxon Corp., 921 F.2d 595, 602 (5th Cir. 1991). Here the state offered me certain benefits in exchange for my testimony, which resulted in sending a man to death row. This resulted in a murder contract being placed on my head. Because I kept my end of the promise, the state is bound to uphold theirs' until my release from incarceration. See, e.g., United Concrete Pipe Corp., v. Spin-Line Co., 430 S.W.2d 360, 364 (Tex.1968, reh.den.) (holding that "performance of that act which the offeree was requested to promise to perform may constitute a valid acceptance".). Perhaps it is a duty owed to a witness testifying in behalf of the state under the Texas Constitution. In any event, I must inform this court and county officials that I have become the subject of retaliation due to the testimony I gave in open court in the 13th District court of the State of Texas. Surely there is something this court can do to protect me from this oppressive conduct. Texas law prohibits:1) Threats, 31.03 (d)(5)(c)(Penal Code); 2) Conspiracy to Commit Felony, 15.02 (Penal Code); 3) Injury to Prisoner by Guard, 39.021 (Penal

Code); 4) Official Misconduct, 39.01 (Penal Code); 5) Retaliation, 36.06, (Penal Code); and 6) Tampering with witness.

I fervently pray that this court or county officials of Navarro County, Texas assist me in securing a protective order to have me removed from the TDCJ-ID, where I been continuously retaliated upon, and placed somewhere in Navarro county, Texas Detention facility or Federal custody. It is so moved and prayed.

Respectfully yours,

5-17-96

Johnny E. Webb

JOHNNY E. WEBB
TDCJ-ID # 626256
RAMSEY I UNIT
RT. 4, BOX 1100
ROSHARON, TX.
77583

ORGNL: 13TH DIST COURT
CC: DIST. ATTY.
JEWEBB

APPENDIX 17

OFFICE OF
PATRICK C. BATCHELOR
CRIMINAL DISTRICT ATTORNEY
NAVARRO COUNTY COURTHOUSE · P.O. BOX 521
CORSICANA, TEXAS 75151-0521

TELEPHONE
(903) 654-3045
FAX
(903) 872-6858

May 8, 1996

Hon. Victor Rodriguez
Texas Dept. of Criminal Justice
Price Daniel Building
209 West 14th Street
Suite 500
Austin, Texas 78701

RE: Johnny Webb, TDC No. 62656

Dear Mr. Rodriguez:

I appreciate your recent telephone call and your interest in the Johnny Webb case. My interest in Webb is summarized as follows.

Johnny Webb, while incarcerated in the Navarro County Jail came in contact with an inmate indicted for capital murder in the deaths of his three infant daughters. In the course of this contact, the murderer, Cameron Todd Willingham, admitted to Webb that he killed his daughters by setting fire to their residence, which admission was consistent with the physical evidence. Webb ultimately testified in the capital murder trial and the jury returned a verdict which required the Court to impose the death penalty. The capital murder case has been affirmed by the Texas Court of Criminal Appeals and certiorari denied by the U.S. Supreme Court. The writ process has begun and I expect that Willingham will apply for writs of habeas corpus to both State and Federal Courts.

During Webb's incarceration on a robbery case from Navarro County, Texas, he has received numerous threats from other inmates and even correctional personnel apparently acting in concert with Willingham. This has been the subject of an inquiry by Capt. McElyea of Internal Affairs. Even though Webb has been incarcerated in various units, and assigned to "ad seg" units, the threats and intimidation have apparently continued. In my opinion, the only possible solution to this problem is the release of Webb from TDC. I understand that his next parole hearing is scheduled for September, 1996, however, I respectfully request that you consider or recommend consideration of an out-of-sequence parole hearing. The factors that I believe support such consideration are as follows:

1. Webb volunteered to assist in the trial of a capital murder case which resulted in the rendition of a death verdict in the case of a dangerous criminal who murdered his three daughters;

2. Webb volunteered information and testified in the trial of the murder case without any agreement from the State respecting diminution of the recommendation in his own case;

3. Webb was fully aware of the consequences of his conduct in offering testimony, and understood that he would be at risk when he was transferred to TDC;

4. Although Johnny Webb was convicted of robbery, generally regarded as a violent crime against persons, the robbery was committed against a family member while Webb was under the influence of narcotics. The actual conduct, while posing a threat, did not in my opinion, pose the kind of danger normally associated with robbery cases.

5. Continued threats directed against Webb will jeopardize the State's ability to oppose continued applications for habeas corpus by Willingham, and any threat to the public by early release of Webb is far outweighed by the possibility that Willingham might be successful in his writ practice.

6. Threats against Webb have been documented, and have continued regardless of protective measures.

I am aware that Webb has filed a pro se civil suit in the Lufkin Division of the Eastern District, however, in my opinion, the suit is the result of fear and frustration born of harassment and intimidation. It is my belief that such matters will be promptly discontinued if parole is granted, and I will be happy to exercise any influence I might have with Webb to assure this result.

This letter should not be interpreted as representing that Johnny Webb is a model citizen, or that Webb is more than an average candidate for rehabilitation. I am aware of his history of narcotics abuse and property crimes, including robbery. On balance, I believe (1) that continued incarceration for a period of months will not have any significant effect on his rehabilitation or recidivism; (2) continued incarceration may well erode the State's ability to protect the public from a psychopathic multiple murderer; and (3) Webb's cooperation in the murder prosecution without expectation of leniency should be accorded some consideration.

Please contact me if you have questions or comments regarding this matter.

Very truly yours,

John H. Jackson
Assistant District Attorney

JHJ:lls

APPENDIX 18

STATE COUNSEL FOR OFFENDERS

A Division of
TEXAS DEPARTMENT OF CRIMINAL JUSTICE

LEGAL SERVICES
ADMINISTRATIVE SERVICES
P.O. Box 4005
Huntsville, TX 77342-4005

IMMIGRATION SERVICES
P.O. Box 4007
Huntsville, TX 77342-4007

TRIAL SERVICES
INVESTIGATIVE SERVICES
P.O. Box 4006
Huntsville, TX 77342-4006

November 19, 1996

Mr. John Jackson, Assistant Criminal District Attorney
Navarro County Courthouse
P.O. Box 521
Corsicana, Texas 75151-0521

Dear Mr. Jackson:

Pursuant to your request this morning, I am enclosing a copy of what we send TDCJ offenders when they ask about obtaining a time cut. I hope this information will be of assistance to you.

Ms. Stone and I were glad to meet with you and Mr. Marshal at Eastham, and I look forward to hearing that Mr. McJunkins has been finally bench-warranted back to the county, as is legally required.

If I can be of any further assistance, do not hesitate to contact me.

Sincerely,

John S. Fischer
Staff Attorney
Legal Services

JSF/gmm

cc: File

James H. McJunkins
TDCJ# 538862

STATE COUNSEL FOR OFFENDERS

A Division of
TEXAS DEPARTMENT OF CRIMINAL JUSTICE

LEGAL SERVICES
ADMINISTRATIVE SERVICES
P.O. Box 4005
Huntsville, TX 77342-4005

IMMIGRATION SERVICES
P.O. Box 4007
Huntsville, TX 77342-4007

TRIAL SERVICES
INVESTIGATIVE SERVICES
P.O. Box 4006
Huntsville, TX 77342-4006

November 19, 1996

*

Dear *:

Enclosed herewith please find a time-cut information sheet.

You should draft three letters, one to the Sheriff, one to the Judge, and one to the District Attorney of the county in which you were convicted. Be sure to list in each of these letters every reason why you feel that you are entitled to a time-cut. A sample letter is contained in the time-cut information sheet which I am forwarding to you. Below are the addresses you will require:

Cause No.:	*
Judge:	Hon. * Judge, * District Court * County Courthouse *
District Attorney:	*, District Attorney (Same address as above)
Sheriff:	Sheriff * (Same address as above)

Sincerely,

*
Staff Attorney

*

cc: File

Enclosures

Willingham 132

A REQUEST FOR A TIME-CUT

Honorable _____, Judge
_____ District Court
_____ County Courthouse
_____, Texas

RE: Cause No. _____
State v. _____(your name)_____
TDCJ-ID # _____
Request for Time-Cut

Dear Sir/Madam:

On _____, 19___, I was convicted in your court for the offense of _____, after a plea of _____, and sentenced to a ___ year term in the Texas Department of Criminal Justice-Institutional Division.

According to the Rules and Regulations of the Board of Pardons and Paroles, if a majority of the trial officials (i.e. the presiding judge, district attorney and sheriff) give a favorable recommendation, without solicitation by the Board, an inmate's sentence may be commuted. This being the case, I am requesting that such a favorable recommendation be made to the Board in light of the following circumstances of my conviction.

[List every reason why you feel that the sentence was excessive; (guilty pleas, illnesses or addictions at the time of the crime, jury prejudice, lack of sufficient evidence, prior clean record, mitigating factors at the time of crime, self defense, etc...)]

Because of these reasons, I am hoping that the necessary trial officials, en banc, will discuss the possibility of a favorable recommendation in my case.

Any consideration given in this matter will be sincerely appreciated.

Very truly yours,

_____
SIGNATURE

NOTE: Send copies of this letter to the district attorney and sheriff.

[illegible] but does not remove the disabilities arising from conviction.

Commutation of sentence involves the changing or modification of the penalty assessed in the court and if granted results in a penalty lower than that set by the court. Therefore, such action must be based upon facts directly related to the case and not upon outside or unrelated matters.

The Board will not consider any of the following reasons as a sufficient basis for commutation of sentence:

A. Hardship to inmate or family.
B. Position or standing of inmate or family in the community.
C. Comparison of penalties.
D. Good behavior or adjustment in prison.
E. Rehabilitative qualities of the inmate.
F. Any other reason not directly connected to the facts upon which the conviction rests.

A written recommendation on the official letterhead of the officer holder with his original signature (not stamped) must come directly to the Board from a majority of the trial officials without solicitation on the Board's part. Trial officials are the present Judge of the court of conviction, the present prosecuting attorney and the sheriff of the county of conviction.

If the subject, parolee or inmate, has the recommendation of a majority (2) of the trial officials and no written communication is received from the third trial officials, then in that event the Board is required by statute to give that remaining officer at least 10 days notice that such clemency is being considered by the Board or by the Governor.

In cases tried prior to the tenure of the present office holders, the recommendation of persons holding such offices at the time of the trial of the case may be used to bolster and support the recommendation of the present trial officials, if in compliance with the following rules set out.

REQUIREMENTS

The requirements of a written recommendation of the trial officials for commutation of sentence must include:

1. Statement that the penalty now appears to be excessive.
2. A recommendation of a definite term now considered by the officials as just and proper.
3. A statement of the reasons for the recommendation bases upon facts directly related to the facts of the case and in existence but not available to the court or jury at the time of the trial, or a statutory change in penalty for the crime which would appear to make the original penalty excessive.

It is important that the reasons given be based upon facts in existence at the time of the trial, connected with the case, but not available to the court or jury at the time of the trial, and such facts should be plainly set out.

Compliance with the above rules is sufficient for the Board's consideration of the application for Commutation of Sentence, but compliance does not necessarily mean that favorable action will result.

If the convicted person is not confined in the Texas Department of Criminal Justice-Institutional Division, a certified copy of the judgment and sentence must be furnished.

These requirements have no connection with parole. After an inmate becomes eligible for parole consideration under the parole laws, the Board will take the initiative, and if favorable action is taken, statutory notices will be sent to the trial officials.

No forms are furnished for application for commutation of sentence other than this instruction sheet.

APPENDIX 19

OFFICE OF
PATRICK C. BATCHELOR
CRIMINAL DISTRICT ATTORNEY
NAVARRO COUNTY COURTHOUSE - P.O. BOX 521
CORSICANA, TEXAS 75151-0521

TELEPHONE
(903) 654-3045
FAX
(903) 872-6858

December 20, 1996

Texas Department of Criminal Justice
Parole Division
8610 Shoal Creek Blvd.
Austin, Texas 78758

RE: Johnny E. Webb, TDC# 62656

Gentlemen,

Find herewith letters from the Criminal District Attorney, The District Judge, and the Sheriff of Navarro County, Texas, who are and were the trial officials with respect to the case by which Johnny E. Webb is presently confined in the institutional division.

All letters reflect that based upon present circumstances, they believe that the sentence assessed Webb was excessive and that commutation or "time cut" is appropriate.

I would appreciate your forwarding these letters to the proper official for expeditious consideration. Please contact me if you have any questions with regard to this request. Your consideration is very much appreciated.

Very truly yours,

John H. Jackson
Assistant District Attorney

NAVARRO COUNTY

LESLIE COTTEN
SHERIFF

DON BARRON
CHIEF DEPUTY

SHERIFF'S DEPARTMENT
CRIMINAL JUSTICE CENTER
312 WEST 2nd AVENUE
CORSICANA, TEXAS 75110
(903) 654-3002

Texas Department of Criminal Justice
Parole Division
8610 Shoal Creek Blvd.
Austin, Texas 78758

RE: Johnny E. Webb, TDC No. 62656; Navarro County cause No. 24490, 13th District Court

Gentlemen,

This letter concerns Johnny E. Webb, presently incarcerated in the Institutional Division for 15 years based on a robbery conviction in this County.

I have conferred with law enforcement personnel and am in receipt of copies of letters from the Criminal District Attorney and District Judge of this County concerning their request for what is generally known as a "time cut" for Mr. Webb. Based upon my present knowledge of Mr. Webb's circumstances, it appears to me that there were factors unknown to trial officials at the time of disposition of the referenced case which now warrant commutation and/or reduction in time served. These factors are set out in correspondence from the District Attorney and the District Judge.

Based upon all these matters, it now appears to me that the sentence assessed was excessive and that a proper sentence or term of confinement in the referenced case would be a term of five years.

Respectfully submitted,

Leslie Cotten

Leslie Cotten, Sheriff
Navarro County, Texas

OFFICE OF
PATRICK C. BATCHELOR
CRIMINAL DISTRICT ATTORNEY
NAVARRO COUNTY COURTHOUSE · P.O. BOX 521
CORSICANA, TEXAS 75151-0521

TELEPHONE
(903) 654-3045
FAX
(903) 872-6858

Texas Department of Criminal Justice
Parole Division
8610 Shoal Creek Boulevard
Austin, Texas 78758

RE: Johnny E. Webb, TDC No. 62656; cause No. 24490

Gentlemen,

This letter concerns the referenced inmate now incarcerated in the Institutional Division for the offense of Robbery for which he was convicted in the 13th District Court of Navarro County, Texas, on 3/6/92, and sentenced to 15 years, such sentence to begin 1/9/92.

Based upon information which has been forwarded to me, I now believe that the penalty assessed appears to be excessive. The reason for this belief is based upon a recent interview with the victim of the offense, Shirley McAdams, who has advised that she believes the punishment assessed was inappropriate; that she believes that the punishment inflicted in this case is excessive; and that the nature of the conduct which led to Webb's conviction simply does not warrant further confinement.

Mr. Webb's case was disposed of by a plea of guilty, and the personal observations of the victim, the relationship of the defendant and the victim, and the character of the threat actually perceived by the victim were not known to trial officials. Consideration of these factors leads me to believe that commutation is proper in this case.

After consideration of these issues, I believe that a just and proper sentence and/or term of confinement in this case would be a period of five years.

Very truly yours,

Patrick C. Batchelor

NAVARRO COUNTY

Kenneth A. "Buck" Douglas

JUDGE, 13TH JUDICIAL DISTRICT COURT
NAVARRO COUNTY COURTHOUSE
P.O. BOX 333
CORSICANA, TEXAS 75151-0333

December 19, 1996

Texas Department of Criminal Justice
Parole Division
8610 Shoal Creek Boulevard
Austin, Texas 78758

Re: Johnny E. Webb, TDC No. 62656; Cause No. 24490,
13th Judicial Court

Gentlemen,

The referenced inmate is presently incarcerated in the Institutional Division, serving a 15 year sentence from this Court in the robbery case referenced above. Such sentence was to begin 1/9/92.

I am in receipt of an affidavit signed by Shirley McAdams, the alleged victim of said offense. The substance of such affidavit is that, based on the character of the actual conduct committed by Webb, she believes that service of additional time in TDC would be "clearly excessive."

I have had an opportunity to confer with the prosecutor who handled the case and review the circumstances which lead me to believe that service of more than a five year sentence based on the relevant facts of this case would be excessive.

It further appears that additional circumstances exist, which have apparently been verified by TDC investigators, that suggest that Webb is in danger from incarcerated gang members in connection with a capital murder case in which he testified on behalf of the State of Texas.

I concur with the Criminal District Attorney that a just and proper term of confinement in this case would be a period of five years.

Kenneth A. Douglas, Judge
13th Judicial District

KAD:df

AFFIDAVIT OF SHIRLEY McADAMS

THE STATE OF TEXAS
COUNTY OF NAVARRO

BEFORE ME, the undersigned authority, on this date personally appeared SHIRLEY McADAMS, who, after being by me duly sworn did upon oath depose and state as follows:

"My name is Shirley McAdams. I am 56 years of age and reside in Corsicana, Navarro County, Texas. In early 1992 I was a witness and complainant in a criminal case in which Johnny E. Webb was accused of the offense of robbery. I was the sole complainant and victim of this offense which occurred at the residence of Juanita Isbell, a relative of Mr. Webb. I am aware that Mr. Webb was convicted of robbery in this case and sentenced to 15 years in prison. I am also aware that he has presently served more than four years incarceration and I believe that service of any more time in connection with this offense would be clearly excessive. I have considered the circumstances of the offense and although I was frightened at the time the offense occurred, it is apparent to me that Mr. Webb was under the influence of narcotics and probably would not have committed this offense otherwise. By this statement, I request that Court and prison authorities take whatever steps are necessary to cause Mr. Webb to be released as soon as possible. This affidavit was executed voluntarily and I have no reservations about anything I have said herein."

Signed this 4th day of November, 1996.

Shirley McAdams
Shirley McAdams, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME on the date written above by Shirley McAdams.

CINDY MIDDLETON
NOTARY PUBLIC
STATE OF TEXAS
Commission Expires 1-27-99

Notary Public, State of Texas

APPENDIX 20

NAVARRO COUNTY

JOHN H. JACKSON
JUDGE, 13TH JUDICIAL DISTRICT COURT
NAVARRO COUNTY COURTHOUSE
P.O. BOX 333
CORSICANA, TEXAS 75151-0333

DIXIE FINCHER
COURT COORDINATOR
(903) 654-3020

LESLIE KIRK
OFFICIAL REPORTER
(903) 654-3022

June 13, 1997

FILED
97 JUL -2 AM 10:40
DISTRICT CLERK
NAVARRO COUNTY, TEXAS
DEPUTY

David Doughty, Warden
Ramsey I Unit
Texas Dept. of Criminal Justice
Rosharon, Texas 77583

RE: Johnny E. Webb, #626256

Dear Warden Doughty,

As you may be aware, the subject inmate was tranported to the Navarro County Justice Center in Corsicana, Texas in January of this year. I have been advised that his personal effects, including cash, photographs of his family, and legal documents have not been forwarded to him.

I would appreciate your looking into this matter and letting me or Mr. Webb know the status of his belongings. He is apparently about to be released, based upon executive clemency in connection with a capital murder case and is fearful of these items being lost in the shuffle.

Apparently, these items have very little instrinsic value, however, it would be helpful if they could be forwarded to the Navarro County Justice Center, 301 W. 3rd Ave., Corsicana, Texas 75110.

With best regards,

John H. Jackson

CERTIFIED A TRUE COPY
MARILYN GREER
DISTRICT CLERK, NAVARRO COUNTY, TX
ATTEST: Sept 17, 20 10
BY: _____ DEPUTY

APPENDIX 21

JOHN H. JACKSON
ATTORNEY AT LAW
P.O. BOX 1
POWELL, TEXAS 75153

BOARD CERTIFIED IN CRIMINAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

CORSICANA, TEXAS
PHONE 903/654-3045
FAX 903/872-6858

September 22, 1996

Johnny Webb 626756
Rt. 4, Box 1100
Rosharon, Texas 77583

Dear Johnny,

Mr. Pearce has kept me up to date on your various problems and has shared various correspondence with me regarding your eligibility for parole, etc. As you are aware, I have written extensively to the Board of Pardons and Paroles seeking special review and out-of-sequence consideration.

In all cases, I have been informed that certain "disciplinary matters" on your record prevent serious parole consideration, notwithstanding the fact that some of these matters may be a result of circumstances beyond your control.

I want you to understand that your assistance to the State in the Willingham case has not been forgotten; and that any reasonable means available to me to shorten your incarceration will be explored. I would ask you to keep a "lower profile" in your adversarial proceedings with the prison system. I am not asking you to waive any rights or forego any relief to which you may be entitled, but at the same time, I believe it will be to your advantage not to undertake essentially meaningless reprisals against prison personnel or authorities.

As you know, it is very easy for me to preach patience to you, and very difficult for you to accept. At the same time, I would ask that you not take any actions which jeopardize the efforts of persons working in your behalf.

With best regards,

John H. Jackson

JOHN H. JACKSON
ATTORNEY AT LAW
P.O. BOX 1
[illegible], TEXAS 75[illegible]

DALLAS TX 75
PM
26 SEP
1996

626256
E-2-17

Johnny Webb No. 626756
Texas Dept. of Criminal Justice
Rt. 4, Box 1100
Rosharon, Texas 77583

77[illegible]

APPENDIX 22

File

RECEIVED
MAY 30 1997
By

TEXAS BOARD OF PARDONS AND PAROLES
8610 SHOAL CREEK BOULEVARD
P.O. BOX 13401
AUSTIN, TEXAS 78711

May 22, 1997

HONORABLE KENNETH A. DOUGLAS
DISTRICT JUDGE
JUDICIAL DISTRICT COURT #13
NAVARRO COUNTY
P.O. BOX 333
CORSICANA, TX 75110-0333

RE: COMMUTATION OF SENTENCE CONSIDERATION
WEBB, JOHNNY E.
TDCJ-ID #626256
CAUSE NUMBER(S): 24490

DEAR DISTRICT JUDGE,

In compliance with Section 8(h) of Article 42.18 C.C.P., you are hereby notified that the Board of Pardons and Paroles has recommended a Commutation of Sentence in the above referenced case.

Those convictions for which the subject was incarcerated in the Texas Department of Criminal Justice - Identification Division are listed on the subsequent page(s) of this correspondence.

Now that the Board has recommended a Commutation of Sentence, direct any further input to the Governor's Office of the General Counsel, 1100 San Jacinto, 4th floor, Austin, Texas 78701.

Sincerely,

Brett M. Hornsby
Supervisor IV
Executive Clemency Unit

FILED
97 JUN -3 PM 2:53
MARILYN GREER
DISTRICT CLERK
NAVARRO COUNTY, TEXAS
DEPUTY

BH/ht
cc: file

COS08A.NTO

CERTIFIED A TRUE COPY
MARILYN GREER
DISTRICT CLERK, NAVARRO COUNTY, TX
ATTEST: Oct 17, 2010
BY: DEPUTY

APPENDIX 23

No. 24,490

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
VS	§	OF
JOHNNY E. WEBB	§	NAVARRO COUNTY, TEXAS

BENCH WARRANT

TO THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE:

JOHNNY E. WEBB, TDC #626256, a prisoner said to be in your official custody, was convicted in the 13th Judicial District of Navarro County, Texas, for the offense of Robbery in the above numbered cause on the docket of said Court.

The above entitled and numbered cause has been set in said Court on Tuesday, January 21, 1997, for a hearing relative to protective custody pending executive clemency.

You are, therefore, requested and directed to deliver to the bearer hereof, the Sheriff of Navarro County, Texas, or any of his deputies, the custody of the said defendant for the purposes and reasons stated above, in order that he may appear in said court on the above date.

WITNESS my hand at the City of Corsicana, Navarro County, Texas, this the 16 day of January, 1997.

DISTRICT JUDGE

JAN 16 1997

THE STATE OF TEXAS

COUNTY OF NAVARRO

I, the undersigned, Clerk of the District Court of Navarro County, Texas, do hereby certify that the Judge whose genuine

CD9

signature is appended to the foregoing Bench Warrant, is now, and was, at the time of signing the same, Judge of the 13th Judicial District Court of Navarro County, Texas.

GIVEN under my hand and seal of said Court at office in the City of Corsicana, Texas, this 17 day of January, 1997.

Marilyn Green by Jim Gaunt Deputy

DISTRICT CLERK
NAVARRO COUNTY, TEXAS

Number 24,490

State

VS.

Webb

Bench Warrant deliver to Sheriff on 1-17-97

NAME OF PROCESS DATE

By Tommie Ray Deputy

FORM NO. NCDC001

APPENDIX 24

NAVARRO COUNTY

JOHN H. JACKSON
JUDGE, 13TH JUDICIAL DISTRICT COURT
NAVARRO COUNTY COURTHOUSE
P.O. BOX 333
CORSICANA, TEXAS 75151-0333

DIXIE FINCHER
COURT COORDINATOR
(903) 654-3020

LESLIE KIRK
OFFICIAL REPORTER
(903) 654-3022

August 1, 2000

Johnny E. Webb #626256
James V. Allred Unit
2101 FM 369N
Iowa Park, Texas 76367

Dear Johnny,

I hope this letter finds you well and in good spirits despite your present circumstances. Mr. Pierce and I visit on a regular basis concerning your problems.

Please understand that as a prosecutor, I very much appreciated your assistance in a very important case. We worked for a long time on a number of different levels, including the Governor's Office to get you released early in the robbery case and it was disappointing to us that you returned to prison after only a short time outside. Please understand that I am not indifferent or insensitive to your difficulties. From my standpoint, it seems there is no good option. As you know, GenPop, AdSeg, and Safekeeping all have their respective drawbacks. Some of the same problems will exist even if I bring you back on a bench warrant to Navarro County. As I remember, the last time you came back on a warrant, things were less than positive.

Please write me directly and let me know what you believe is the most positive option. I am not completely convinced that service of a long stretch awaiting parole in Navarro County is the optimum solution and may in fact prolong your release date. The prison and parole system remains a mystery to me, even after all these years. Certainly, I do not want to take any action which will have the effect of creating additional problems for you.

With best regards,

John H. Jackson

APPENDIX 25

CHAMBERS OF
JOHN H. JACKSON

P.O. BOX 1
POWELL, TX 75153

JUDGE, 13TH DISTRICT COURT
NAVARRO COUNTY, TEXAS

COURTHOUSE
CORSICANA, TX 75110

August 15, 2000

Johnny E. Webb
2101 FM 369N
Iowa Park, TX 76367

Dear Johnny,

I received your letter today and your suggestions seem appropriate. I will hold off any action until I hear from you in September. Let me know if I need to correspond with anyone in the prison system regarding your requests. If you think my intervention might lend support to a transfer, etc. I will be happy to write.

0001

Do your best to stay out of trouble!

With regards,

John H. Jackson

JOHN H. JACKSON
DISTRICT JUDGE
P.O. BOX 1
POWELL, TX 75153

DALLAS, TX 752
PM
16 AUG
2000

4D-32

Johnny R. Webb #626256
James W. Allred Unit
2101 FM 369 N
Iowa Park, TX 76367

76367-6268 02

APPENDIX 26

1

No. 24,490

FILED
2000 OCT 19 AM 9:33
MARILYN GREER
DISTRICT CLERK
NAVARRO COUNTY, TEXAS
DEPUTY

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	OF
VS		
	§	NAVARRO COUNTY, TEXAS
JOHNNY WEBB		

BENCH WARRANT

TO THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE:

JOHNNY WEBB, a prisoner said to be in your official custody, was convicted in the 13th Judicial District Court of Navarro County, Texas, for the offense of ROBBERY in the above numbered cause on the docket of said Court.

The above entitled and numbered cause has been set down for a hearing in said Court at 10:00 a.m.on Monday, October 30, 2000.

You are, therefore, requested and directed to deliver to the bearer hereof, the Sheriff of Navarro County, Texas, or any of his deputies, the custody of the said defendant for the purposes and reasons stated above, in order that he may be present for said hearing.

WITNESS my hand at the City of Corsicana, Navarro County, Texas, this the 17th day of October, 2000.

DISTRICT JUDGE

THE STATE OF TEXAS

COUNTY OF NAVARRO

I, the undersigned, Clerk of the District Court of Navarro County, Texas, do hereby certify that the Judge whose genuine signature is appended to the foregoing Bench Warrant, is now, and was, at the time of signing the same, Judge of the 13th Judicial District Court of Navarro County, Texas.

GIVEN under my hand and seal of said Court at office in the City of Corsicana, Texas, this 19 day of October, 2000.

Cathy Cox Deputy
DISTRICT CLERK
NAVARRO COUNTY, TEXAS

100 Please allow defendant's personal effects to be transported also:

State

VS.

Webb

Bench Warrant

NAME OF PROCESS

Number 24490

Deliver to Sheriff on 10-19-00

DATE

By _____ Deputy

FORM NO. N(DDC08)

APPENDIX 27

Date	Amount
1/15/1993	$ 50.00
5/21/1993	$ 20.00
9/15/1993	$ 20.00
12/27/1993	$ 50.00
2/18/1994	$ 30.00
3/31/1994	$ 50.00
6/13/1994	$ 50.00
9/8/1994	$ 100.00
1/2/1995	$ 50.00
3/13/1995	$ 50.00
6/7/1995	$ 50.00
7/18/1995	$ 100.00
11/14/1995	$ 100.00
1/11/1996	$ 100.00
5/7/1996	$ 100.00
7/31/1996	$ 100.00
10/22/1996	$ 100.00
12/3/1998	$ 200.00
3/10/1999	$ 100.00
7/30/1999	$ 100.00
10/22/1999	$ 200.00
2/8/2000	$ 100.00
4/19/2000	$ 100.00
7/6/2000	$ 100.00
5/14/2001	$ 200.00
11/27/2001	$ 200.00
3/26/2002	**$ 200.00**
8/21/2002	$ 200.00
12/17/2002	$ 200.00
	$ 3,020.00

ITS711 - 03/18/14

TEXAS DEPARTMENT OF CORRECTIONS
INMATE BANKING - TRANSACTION HISTORY

TDCNO.	NAME		DATE	AMOUNT	LOC.	TRANSACTION	REPORT	TYPE	SENDEE
00559803	WEBB	JOHNNY	11/10/92	0.00		XX ZERO BALANCE	498901	B3	3

ITS711 - 03/18/14

TEXAS DEPARTMENT OF CORRECTIONS
INMATE BANKING - TRANSACTION HISTORY

TDCNO.	NAME		DATE	AMOUNT	LOC.	TRANSACTION	REPORT	TYPE	SENDEE
00626256	WEBB	JOHNNY	11/05/92	25.00	DU	CA DIAG MISC	238610	B1	DIAGNOSTIC UNIT 3
00626256	WEBB	JOHNNY	11/05/92	25.00	DU	CP COMMISSARY PURCHASE	496710	B4	3
00626256	WEBB	JOHNNY	11/05/92	0.00	DU	CP I	496710	I	INDIGENT
00626256	WEBB	JOHNNY	11/06/92	25.00		CO	DU08IW	WO	110692155745006643 7
00626256	WEBB	JOHNNY	11/20/92	0.00		CM	FE04IR	B4	1120921348456405876
00626256	WEBB	JOHNNY	11/20/92	10.00		MO 751100	245940	B1	G STEELE 3
00626256	WEBB	JOHNNY	11/30/92	9.20		CM	FE04IR	B4	1127921324456405876
00626256	WEBB	JOHNNY	11/30/92	0.00		CO I	FE04IN	I	1127921324456405876
00626256	WEBB	JOHNNY	12/07/92	20.00		MO 47190920703	253418	B1	SHIRLEY & DONALD 3
00626256	WEBB	JOHNNY	12/08/92	12.50		CM	FE04IR	B4	1208920843461589207
00626256	WEBB	JOHNNY	12/09/92	20.00		MO 47190930862	254631	B1	G STEELE 3
00626256	WEBB	JOHNNY	12/15/92	8.28		CM	FE04IR	B4	1215921034456405876
00626256	WEBB	JOHNNY	12/28/92	0.00		CO I	EA03IN	I	1228920744465337591
00626256	WEBB	JOHNNY	12/28/92	18.48		CM	EA03IR	B4	1228920744465337591
00626256	WEBB	JOHNNY	12/29/92	10.00		MO 47190933292	260810	B1	G STEELE 3
00626256	WEBB	JOHNNY	01/04/93	10.10		CM	EA03IR	B4	0104930922448688416
00626256	WEBB	JOHNNY	01/04/93	0.00		CO I	EA03IN	I	0104930922448688416
00626256	WEBB	JOHNNY	01/06/93	20.00		MO 4719094564	265328	B1	S & D WEBB 3
00626256	WEBB	JOHNNY	01/11/93	20.91		CM	EA03IR	B4	0111930809448688416
00626256	WEBB	JOHNNY	01/11/93	0.00		CO I	EA03IN	I	0111930809448688416
00626256	WEBB	JOHNNY	01/15/93	50.00		MO 47190943258	271947	B1	C PEARCE 3
00626256	WEBB	JOHNNY	01/25/93	6.16		CM	SV03IR	B4	0124931316455848377
00626256	WEBB	JOHNNY	02/01/93	7.53		CM	SV03IR	B4	0131931050464497776
00626256	WEBB	JOHNNY	02/03/93	10.00		MO 47190958042	283535	B1	G STEELE 3
00626256	WEBB	JOHNNY	02/08/93	7.78		CM	SV03IR	B4	0208930934464497776
00626256	WEBB	JOHNNY	02/16/93	7.64		CM	SV03IR	B4	0215931155455848377
00626256	WEBB	JOHNNY	02/22/93	15.57		CM	EA03IR	B4	0222930659465337591
00626256	WEBB	JOHNNY	02/25/93	10.00		MO 47866621263	296230	B1	G STEELE 3
00626256	WEBB	JOHNNY	03/01/93	5.39		CM	EA03IR	B4	0301930850448688416
00626256	WEBB	JOHNNY	03/05/93	20.00		MO 47866625616	300223	B1	D WEBB 3
00626256	WEBB	JOHNNY	03/08/93	17.41		CM	EA03IR	B4	0308930839448688416
00626256	WEBB	JOHNNY	03/15/93	19.23		CM	EA03IR	B4	0315930847448688416
00626256	WEBB	JOHNNY	03/15/93	0.00		CO I	EA03IN	I	0315930847448688416
00626256	WEBB	JOHNNY	03/22/93	3.75		CM	EA03IR	B4	0322930748465337591
00626256	WEBB	JOHNNY	04/02/93	10.00		MO 47866633751	316106	B1	S WEBBN 3
00626256	WEBB	JOHNNY	04/14/93	10.00		MO 47866638677	321806	B1	G STEELE 3
00626256	WEBB	JOHNNY	04/16/93	10.00		MO 4719092337	323449	B1	S WEBB 3
00626256	WEBB	JOHNNY	04/23/93	17.56		CM	EA03IR	B4	0423931019448688416
00626256	WEBB	JOHNNY	05/03/93	12.06		CM	EA03IR	B4	0503930734465337591
00626256	WEBB	JOHNNY	05/03/93	0.00		CO I	EA03IN	I	0503930734465337591
00626256	WEBB	JOHNNY	05/10/93	0.45		CM	EA03IR	B4	0510930731465337591
00626256	WEBB	JOHNNY	05/13/93	20.00		MO 478668162	337927	B1	S WEBB 3
00626256	WEBB	JOHNNY	05/21/93	20.00		MO 47866657757	341701	B1	C PEARCE 3
00626256	WEBB	JOHNNY	05/24/93	15.98		CM	EA03IR	B4	0524930833448688416
00626256	WEBB	JOHNNY	05/26/93	15.00		MO 478666663697	343702	B1	G STTLE 3
00626256	WEBB	JOHNNY	06/02/93	27.92		CM	EA03IR	B4	0602930813448688416
00626256	WEBB	JOHNNY	06/07/93	8.20		CM	EA03IR	B4	0607930749448688416
00626256	WEBB	JOHNNY	06/07/93	0.00		CO I	EA03IN	I	0607930749448688416
00626256	WEBB	JOHNNY	06/10/93	10.00		MO 48197808281	352966	B1	S WEBB 3

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TDCNO.	NAME		DATE	AMOUNT	LOC.	TRANSACTION	REPORT	TYPE	SENDEE
00626256	WEBB	JOHNNY	06/14/93	10.98	CM		EA03IR	B4	0614930701465337591
00626256	WEBB	JOHNNY	06/14/93	0.00	CO	I	EA03IN	I	0614930701465337591
00626256	WEBB	JOHNNY	06/21/93	1.75	CM		EA03IR	B4	0621930841448688416
00626256	WEBB	JOHNNY	07/05/93	0.00	CM		EA03IR	B4	0705930830448688416
00626256	WEBB	JOHNNY	07/05/93	10.00	MO	48197821342	365422	B1	G STEELE 3
00626256	WEBB	JOHNNY	07/12/93	0.00	CO	I	EA03IN	I	0712930923448688416
00626256	WEBB	JOHNNY	07/12/93	9.93	CM		EA03IR	B4	0712930923448688416
00626256	WEBB	JOHNNY	07/16/93	10.00	MO	48197826832	371819	B1	S WEBB 3
00626256	WEBB	JOHNNY	07/19/93	9.00	CM		EA03IR	B4	0719930858448688416
00626256	WEBB	JOHNNY	07/19/93	0.00	CO	I	EA03IN	I	0719930858448688416
00626256	WEBB	JOHNNY	07/26/93	1.23	CM		EA03IR	B4	0726930913448688416
00626256	WEBB	JOHNNY	07/28/93	7.00	MO	48197833435	378111	B1	G STEELE 3
00626256	WEBB	JOHNNY	07/28/93	10.00	MO	48197829532	378111	B1	S WEBB 3
00626256	WEBB	JOHNNY	08/03/93	9.24	CM		EA03IR	B4	0803930855465337591
00626256	WEBB	JOHNNY	08/06/93	10.00	MO	48197834267	383063	B1	S WEBB 3
00626256	WEBB	JOHNNY	08/09/93	10.00	MO	48197830836	383228	B1	O STEELE 3
00626256	WEBB	JOHNNY	08/10/93	6.99	CM		EA03IR	B4	0810930857448688416
00626256	WEBB	JOHNNY	08/17/93	20.65	CM		EA03IR	B4	0817930845448688416
00626256	WEBB	JOHNNY	08/17/93	0.00	CO	I	EA03IN	I	0817930845448688416
00626256	WEBB	JOHNNY	08/30/93	10.00	MO	48197848162	394733	B1	G STEELE 3
00626256	WEBB	JOHNNY	09/02/93	9.25	CM		EA03IR	B4	0902930930448688416
00626256	WEBB	JOHNNY	09/02/93	0.00	CO	I	EA03IN	I	0902930930448688416
00626256	WEBB	JOHNNY	09/03/93	10.00	MO	48197851108	200339	B1	S WEBB 2
00626256	WEBB	JOHNNY	09/07/93	0.00	CO	I	EA03IN	I	0907930813448688416
00626256	WEBB	JOHNNY	09/07/93	10.74	CM		EA03IR	B4	0907930813448688416
00626256	WEBB	JOHNNY	09/14/93	0.00	CM		EA03IR	B4	0914930825448688416
00626256	WEBB	JOHNNY	09/15/93	20.00	MO	48197844720	207458	B1	C PEARCE 2
00626256	WEBB	JOHNNY	09/17/93	20.00	MO	48197852627	209066	B1	S WEBB 2
00626256	WEBB	JOHNNY	09/21/93	15.70	CM		EA03IR	B4	0921930911448688416
00626256	WEBB	JOHNNY	09/23/93	10.00	MO	48197845754	212812	B1	G STEELE 2
00626256	WEBB	JOHNNY	09/28/93	14.58	CM		EA03IR	B4	0928930823448688416
00626256	WEBB	JOHNNY	09/30/93	20.00	MO	48683840253	218149	B1	S WEBB 2
00626256	WEIR		09/30/93	30.00	MO	48107737361	218111	B5	C HILL 2
00626256	WEBB	JOHNNY	10/05/93	17.44	CM		EA03IR	B4	1005930809448688416
00626256	WEBB	JOHNNY	10/06/93	10.00	MO	48683840264	220769	B1	G STEELE 2
00626256	WEBB	JOHNNY	10/12/93	20.69	CM		EA03IR	B4	1012930843448688416
00626256	WEBB	JOHNNY	10/19/93	8.90	CM		EA03IR	B4	1019930953448688416
00626256	WEBB	JOHNNY	10/19/93	0.00	CO	I	EA03IN	I	1019930953448688416
00626256	WEBB	JOHNNY	10/26/93	0.95	CM		EA03IR	B4	1026930717465337591
00626256	WEBB	JOHNNY	11/02/93	1.75	CM		EA03IR	B4	1102930813448688416
00626256	WEBB	JOHNNY	11/04/93	20.00	MO	48683856767	242248	B1	S WEBB 2
00626256	WEBB	JOHNNY	11/09/93	19.45	CM		EA03IR	B4	1109930829448688416
00626256	WEBB	JOHNNY	11/09/93	0.00	CO	I	EA03IN	I	1109930829448688416
00626256	WEBB	JOHNNY	11/16/93	0.65	CM		EA03IR	B4	1116930834448688416
00626256	WEBB	JOHNNY	11/17/93	20.00	MO	48683866241	249421	B1	S WEBB 2
00626256	WEBB	JOHNNY	11/23/93	19.15	CM		EA03IR	B4	1123931052448688416
00626256	WEBB	JOHNNY	11/23/93	0.00	CO	I	EA03IN	I	1123931052448688416
00626256	WEBB	JOHNNY	11/29/93	0.00	CM		EA03IR	B4	1129930854465337591
00626256	WEBB	JOHNNY	12/01/93	20.00	MO	48683861010	256052	B1	S WEBB 2

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TDCNO.	NAME		DATE	AMOUNT	LOC.	TRANSACTION	REPORT	TYPE	SENDEE
00626256	WEBB	JOHNNY	12/07/93	20.62	CM		EA031R	B4	12079309174486884 16
00626256	WEBB	JOHNNY	12/07/93	0.00	CO	I	EA031N	I	12079309174486884 16
00626256	WEBB	JOHNNY	12/14/93	0.00	CM		EA031R	B4	12149308234486884 16
00626256	WEBB	JOHNNY	12/20/93	10.00	MO	49210746096	270265	B1	G STEELE 2
00626256	WEBB	JOHNNY	12/21/93	10.12	CM		EA031R	B4	12219309274486884 16
00626256	WEBB	JOHNNY	12/21/93	0.00	CO	I	EA031N	I	12219309274486884 16
00626256	WEBB	JOHNNY	12/22/93	20.00	MO	49210749055	272720	B1	S WEBB 2
00626256	WEBB	JOHNNY	12/27/93	50.00	MO	49210751147	274501	B1	C PEARCE 2
00626256	WEBB	JOHNNY	12/28/93	19.55	CM		EA031R	B4	12289308324486884 16
00626256	WEBB	JOHNNY	12/28/93	20.00	MO	49210747323	274752	B1	S WEBB 2
00626256	WEBB	JOHNNY	01/04/94	54.04	CM		EA031R	B4	01049410424486884 16
00626256	WEBB	JOHNNY	01/11/94	4.75	CM		EA031R	B4	01119408594486884 16
00626256	WEBB	JOHNNY	01/20/94	0.00	CO	I	EA051N	I	01209409174486884 16
00626256	WEBB	JOHNNY	01/20/94	11.69	CM		EA051R	B4	01209409174486884 16
00626256	WEBB	JOHNNY	01/20/94	20.00	MO	49210744127	290264	B1	S WEBB 2
00626256	WEBB	JOHNNY	01/24/94	10.00	MO	49210750225	293837	B1	G STEELE 2
00626256	WEBB	JOHNNY	01/25/94	26.65	CM		EA051R	B4	01259409444676274 97
00626256	WEBB	JOHNNY	01/25/94	0.00	CO	I	EA051N	I	01259409444676274 97
00626256	WEBB	JOHNNY	02/01/94	1.37	CM		EA051R	B4	02019409224676274 97
00626256	WEBB	JOHNNY	02/08/94	1.73	CM		EA051R	B4	02089411454676274 97
00626256	WEBB	JOHNNY	02/15/94	0.00	CM		EA051R	B4	02159409454653375 91
00626256	WEBB	JOHNNY	02/18/94	30.00	MO	49210774288	312736	B1	C PEARCE 2
00626256	WEBB	JOHNNY	02/22/94	22.22	CM		EA051R	B4	02229410244676274 97
00626256	WEBB	JOHNNY	02/24/94	20.00	MO	49210775493	315564	B1	S WEBB 2
00626256	WEBB	JOHNNY	03/01/94	22.45	CM		EA051R	B4	03019412524676274 97
00626256	WEBB	JOHNNY	03/08/94	5.40	CM		EA051R	B4	03089409594653375 91
00626256	WEBB	JOHNNY	03/08/94	0.00	CO	I	EA051N	I	03089409594653375 91
00626256	WEBB	JOHNNY	03/08/94	20.00	MO	49659197916	323913	B1	S WEBB 2
00626256	WEBB	JOHNNY	03/15/94	19.05	CM		EA051R	B4	03159410184676274 97
00626256	WEBB	JOHNNY	03/15/94	0.00	CO	I	EA051N	I	03159410184676274 97
00626256	WEBB	JOHNNY	03/22/94	1.00	CM		EA031R	B4	03229412584604134 24
00626256	WEBB	JOHNNY	03/29/94	0.00	CM		EA031R	B4	03299412464604134 24
00626256	WEBB	JOHNNY	03/30/94	20.00	MO	60278155942	341158	B1	S T WEBB 2
00626256	WEBB	JOHNNY	03/31/94	50.00	MO	60278154017	343107	B1	C PEARCE 2
00626256	WEBB	JOHNNY	04/05/94	40.14	CM		EA031R	B4	04059413564604134 24
00626256	WEBB	JOHNNY	04/08/94	10.00	MO	60279653384	346613	B1	S WEBB 2
00626256	WEBB	JOHNNY	04/21/94	39.78	CM		EA031R	B4	04219408014653375 91
00626256	WEBB	JOHNNY	04/21/94	0.00	CO	I	EA031N	I	04219408014653375 91
00626256	WEBB	JOHNNY	04/25/94	30.00	MO	60278156954	358323	B1	S WEBB 2
00626256	WEBB	JOHNNY	05/11/94	40.00	MO	21286022800	368337	B1	M CLARK 2
00626256	WEBB	JOHNNY	05/12/94	42.27	CM		EA031R	B4	05129411554604134 24
00626256	WEBB	JOHNNY	05/19/94	27.65	CM		EA031R	B4	05199411064604134 24
00626256	WEBB	JOHNNY	05/19/94	0.00	CO	I	EA031N	I	05199411064604134 24
00626256	WEBB	JOHNNY	05/26/94	0.00	CM		EA031R	B4	05269412244604134 24
00626256	WEBB	JOHNNY	06/02/94	0.00	CM		EA031R	B4	06029410084653375 91
00626256	WEBB	JOHNNY	06/02/94	0.00	CM		EA031R	B4	06029410154653375 91
00626256	WEBB	JOHNNY	06/02/94	20.00	MO	60279674016	384319	B1	S WEBB 2
00626256	WEBB	JOHNNY	06/09/94	19.90	CM		EA031R	B4	06099409224604134 24
00626256	WEBB	JOHNNY	06/09/94	0.00	CO	I	EA031N	I	06099409224604134 24

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TDCNO.	NAME		DATE	AMOUNT	LOC.	TRANSACTION	REPORT	TYPE	SENDEE
00626256	WEBB	JOHNNY	06/13/94	50.00	MO	60279661776	391242	B1	C PEARCE 2
00626256	WEBB	JOHNNY	06/16/94	46.40	CM		EA03IR	B4	0616940845465337591
00626256	WEBB	JOHNNY	06/16/94	0.00	CO	I	EA03IN	I	0616940845465337591
00626256	WEBB	JOHNNY	06/23/94	3.20	CM		EA03IR	B4	0623941100460413424
00626256	WEBB	JOHNNY	06/29/94	0.00	CM		EA03IR	B4	0629941120460413424
00626256	WEBB	JOHNNY	07/05/94	20.00	MO	60279680553	404104	B1	S WEBB 2
00626256	WEBB	JOHNNY	07/07/94	20.49	CM		EA03IR	B4	0707941256460413424
00626256	WEBB	JOHNNY	07/07/94	0.00	CO	I	EA03IN	I	0707941256460413424
00626256	WEBB	JOHNNY	07/19/94	20.00	MO	60736925621	415510	B1	S WEBB 2
00626256	WEBB	JOHNNY	07/28/94	19.97	CM		EA03IR	B4	0728940903460413424
00626256	WEBB	JOHNNY	07/28/94	0.00	CO	I	EA03IN	I	0728940903460413424
00626256	WEBB	JOHNNY	08/04/94	0.00	CM		EA03IR	B4	0804941128460413424
00626256	WEBB	JOHNNY	08/11/94	0.00	CM		EA03IR	B4	0811941043460413424
00626256	WEBB	JOHNNY	08/11/94	20.00	MO	60882620894	430806	B1	J WEBB 2
00626256	WEBB	JOHNNY	08/18/94	19.96	CM		EA03IR	B4	0818941320460413424
00626256	WEBB	JOHNNY	08/18/94	0.00	CO	I	EA03IN	I	0818941320460413424
00626256	WEBB	JOHNNY	08/22/94	20.00	MO	60882623133	438452	B1	S T WEBB 2
00626256	WEBB	JOHNNY	08/25/94	9.88	CM		EA03IR	B4	0825941035460413424
00626256	WEBB	JOHNNY	09/01/94	10.00	CM		EA03IR	B4	0901941300465337591
00626256	WEBB	JOHNNY	09/01/94	0.00	CO	I	EA03IN	I	0901941300465337591
00626256	WEBB	JOHNNY	09/08/94	0.00	CM		EA03IR	B4	0908941113453134951
00626256	WEBB	JOHNNY	09/08/94	100.00	MO	60882639434	202743	B1	C PEARCE 2
00626256	WEBB	JOHNNY	09/15/94	50.19	CM		EA03IR	B4	0915941004465337591
00626256	WEBB	JOHNNY	09/22/94	26.75	CM		EA03IS	B4	0922940847460413424
00626256	WEBB	JOHNNY	09/22/94	21.95	CM		EA03IR	B4	0922940849460413424
00626256	WEBB	JOHNNY	09/22/94	0.00	CO	I	EA03IN	I	0922940849460413424
00626256	WEBB	JOHNNY	09/23/94	20.00	MO	60882638646	212337	B1	S T WEBB 2
00626256	WEBB	JOHNNY	09/29/94	20.60	CM		EA03IR	B4	0929941120460413424
00626256	WEBB	JOHNNY	09/29/94	0.00	CO	I	EA03IN	I	0929941120460413424
00626256	WEBB	JOHNNY	10/06/94	0.70	CM		EA03IR	B4	1006941249460413424
00626256	WEBB	JOHNNY	10/18/94	20.00	MO	60887279068	227371	B1	S WEBB 2
00626256	WEBB	JOHNNY	10/20/94	19.95	CM		EA05IR	B4	1020941108467627497
00626256	WEBB	JOHNNY	10/20/94	0.00	CO	I	EA05IN	I	1020941108467627497
00626256	WEBB	JOHNNY	11/03/94	0.00	CM		EA03IR	B4	1103941155465337591
00626256	WEBB	JOHNNY	11/10/94	0.00	CM		EA03IR	B4	1110941121460413424
00626256	WEBB	JOHNNY	11/14/94	20.00	MO	60882641976	245443	B1	S WEBB 2
00626256	WEBB	JOHNNY	11/17/94	20.00	CM		EA03IR	B4	1117941223460413424
00626256	WEBB	JOHNNY	11/17/94	0.00	CO	I	EA03IN	I	1117941223460413424
00626256	WEBB	JOHNNY	11/22/94	0.00	CM		EA03IR	B4	1122940726460413424
00626256	WEBB	JOHNNY	12/01/94	15.00	MO	60882653654	256409	B1	S WEBB 2
00626256	WEBB	JOHNNY	12/07/94	20.00	MO	60882649806	261490	B1	S WEBB 2
00626256	WEBB	JOHNNY	12/08/94	34.95	CM		EA03IR	B4	1208941017460413424
00626256	WEBB	JOHNNY	12/08/94	0.00	CO	I	EA03IN	I	1208941017460413424
00626256	WEBB	JOHNNY	12/15/94	0.00	CM		EA03IR	B4	1215940956460413424
00626256	WEBB	JOHNNY	12/15/94	50.00	MO	21303778636	266139	B1	J COLEMAN 2
00626256	WEBB	JOHNNY	12/22/94	48.45	CM		EA03IR	B4	1222941158460413424
00626256	WEBB	JOHNNY	12/22/94	0.00	CO	I	EA03IN	I	1222941158460413424
00626256	WEBB	JOHNNY	12/29/94	0.85	CM		EA03IR	B4	1229941112453134951
00626256	WEBB	JOHNNY	01/02/95	50.00	MO	61625617604	276156	B1	C PEARCE 2

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TDCNO.	NAME		DATE	AMOUNT	LOC.	TRANSACTION		REPORT	TYPE	SENDEE
00626256	WEBB	JOHNNY	01/05/95	50.60	CM			EA031R	B4	010595121146041342 4
00626256	WEBB	JOHNNY	01/05/95	0.00	CO		I	EA031N	I	010595121146041342 4
00626256	WEBB	JOHNNY	01/12/95	0.00	CM			EA031R	B4	011295123746041342 4
00626256	WEBB	JOHNNY	01/18/95	20.00	MO	61625623061		285874	B1	S WEBB 2
00626256	WEBB	JOHNNY	01/19/95	7.40	CM			EA031R	B4	011995130746041342 4
00626256	WEBB	JOHNNY	01/19/95	12.50	CM			EA031S	B4	011995130846041342 4
00626256	WEBB	JOHNNY	01/19/95	0.00	CO		I	EA031N	I	011995130846041342 4
00626256	WEBB	JOHNNY	01/23/95	50.00	MO	21312138166		291609	B1	D JONES 2
00626256	WEBB	JOHNNY	01/27/95	38.77	CM			EA031R	B4	012795121646041342 4
00626256	WEBB	JOHNNY	01/27/95	20.00	MO	61625630507		295829	B1	S WEBB 2
00626256	WEBB	JOHNNY	02/02/95	10.44	CM			EA031R	B4	020295113846041342 4
00626256	WEBB	JOHNNY	02/09/95	0.00	CO		I	EA031N	I	020995131146041342 4
00626256	WEBB	JOHNNY	02/09/95	19.85	CM			EA031R	B4	020995131146041342 4
00626256	WEBB	JOHNNY	02/09/95	50.00	MO	21312138998		302567	B1	M KELLY 2
00626256	WEBB	JOHNNY	02/15/95	20.00	MO	61631180065		310016	B1	S T WEBB 2
00626256	WEBB	JOHNNY	02/16/95	40.02	CM			EA031R	B4	021695075346533759 1
00626256	WEBB	JOHNNY	02/23/95	31.18	CM			EA031R	B4	022395093146041342 4
00626256	WEBB	JOHNNY	02/23/95	0.00	CO		I	EA031N	I	022395093146041342 4
00626256	WEBB	JOHNNY	03/03/95	20.00	MO	61631192946		323829	B1	S WEBB 2
00626256	WEBB	JOHNNY	03/13/95	50.00	MO	61631197233		330772	B1	C PEARCE 2
00626256	WEBB	JOHNNY	03/16/95	59.96	CM			EA031R	B4	031695125946041342 4
00626256	WEBB	JOHNNY	03/23/95	8.10	CM			EA031R	B4	032395105546041342 4
00626256	WEBB	JOHNNY	03/23/95	0.00	CO		I	EA031N	I	032395105546041342 4
00626256	WEBB	JOHNNY	03/29/95	50.00	MO			347158	B1	D JONES 2
00626256	WEBB	JOHNNY	03/30/95	18.65	CM			EA031R	B4	033095090346041342 4
00626256	WEBB	JOHNNY	04/06/95	28.90	CM			EA031R	B4	040695093846041342 4
00626256	WEBB	JOHNNY	04/06/95	0.00	CO		I	EA031N	I	040695093846041342 4
00626256	WEBB	JOHNNY	04/13/95	4.35	CM			EA031R	B4	041395100446041342 4
00626256	WEBB	JOHNNY	04/20/95	0.00	CM			EA031R	B4	042095123746041342 4
00626256	WEBB	JOHNNY	04/21/95	20.00	MO	61631209877		371332	B1	S WEBB 2
00626256	WEBB	JOHNNY	04/24/95	5.00	MO	61905576150		372305	B1	S T WEBB 2
00626256	WEBB	JOHNNY	04/27/95	23.45	CM			EA031R	B4	042795103346041342 4
00626256	WEBB	JOHNNY	04/27/95	0.00	CO		I	EA031N	I	042795103346041342 4
00626256	WEBB	JOHNNY	05/04/95	1.60	CM			EA031R	B4	050495091146041342 4
00626256	WEBB	JOHNNY	05/05/95	20.00	MO	61905584632		386934	B1	S WEBB 2
00626256	WEBB	JOHNNY	05/11/95	4.35	CM			EA031R	B4	051195104246041342 4
00626256	WEBB	JOHNNY	05/19/95	15.55	CM			EA031R	B4	051995102946041342 4
00626256	WEBB	JOHNNY	05/19/95	0.00	CO		I	EA031N	I	051995102946041342 4
00626256	WEBB	JOHNNY	05/25/95	0.00	CM			EA031R	B4	052595085746041342 4
00626256	WEBB	JOHNNY	06/01/95	0.00	CM			EA031R	B4	060195102246041342 4
00626256	WEBB	JOHNNY	06/07/95	50.00	MO	61905597423		412264	B1	C PEARCE 2
00626256	WEBB	JOHNNY	06/08/95	48.45	CM			EA031R	B4	060895091046041342 4
00626256	WEBB	JOHNNY	06/08/95	0.00	CO		I	EA031N	I	060895091046041342 4
00626256	WEBB	JOHNNY	06/15/95	0.00	CM			C005IR	B4	061595165646141958 0
00626256	WEBB	JOHNNY	06/19/95	20.00	MO	61905607288		429033	B1	S WEBB 2
00626256	WEBB	JOHNNY	06/20/95	20.00	MO	61905589896		429336	B1	S WEBB 2
00626256	WEBB	JOHNNY	06/21/95	33.93	CM			C005IR	B4	062195142928938760 4
00626256	WEBB	JOHNNY	06/26/95	7.72	CM			WY13IR	B4	062695122646472287 6
00626256	WEBB	JOHNNY	06/26/95	0.00	CO		I	WY13IN	I	062695122646472287 6

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TDCNO.	NAME		DATE	AMOUNT	LOC.	TRANSACTION	REPORT	TYPE	SENDEE
00626256	WEBB	JOHNNY	07/03/95	0.00		CM	WY131R	B4	0703951736460597334
00626256	WEBB	JOHNNY	07/10/95	0.00		CM	WY131R	B4	0710951636460597334
00626256	WEBB	JOHNNY	07/18/95	0.00		CM	WY061R	B4	0718950713464722876
00626256	WEBB	JOHNNY	07/18/95	100.00		MO 61905612868	457343	B1	C S PEARCE 2
00626256	WEBB	JOHNNY	07/19/95	20.00		MO 61905606052	459448	B1	S WEBB 2
00626256	WEBB	JOHNNY	07/25/95	43.01		CM	WY061R	B4	0725950751464742209
00626256	WEBB	JOHNNY	08/08/95	20.00		MO 62611798116	480950	B1	S WEBB 2
00626256	WEBB	JOHNNY	08/25/95	20.00		MO 62611797317	204066	B1	S WEBB 2
00626256	WEBB	JOHNNY	09/01/95	20.00		MO 62611810918	206225	B1	S WEBB 2
00626256	WEBB	JOHNNY	09/11/95	60.00	EA	CP COMMISSARY PURCHASE	516306	B4	2
00626256	WEBB	JOHNNY	09/21/95	60.00		CO	EA031W	WO	0921951034453134951
00626256	WEBB	JOHNNY	09/21/95	20.00		MO 62611814518	220979	B1	S WEBB 2
00626256	WEBB	JOHNNY	09/28/95	55.03		CM	EA031R	B4	0928951242460413424
00626256	WEBB	JOHNNY	10/04/95	7.00		OP LEGAL MANUAL	573509	B4	2
00626256	WEBB	JOHNNY	10/05/95	16.23		CM	EA031R	B4	1005950812460413424
00626256	WEBB	JOHNNY	10/05/95	11.50		CM	EA031S	B4	1005950814460413424
00626256	WEBB	JOHNNY	10/05/95	20.00		MO 62611817995	230012	B1	S WEBB 2
00626256	WEBB	JOHNNY	10/12/95	16.45		CM	EA031R	B4	1012950816460413424
00626256	WEBB	JOHNNY	10/19/95	10.75		CM	EA031R	B4	1019950953460413424
00626256	WEBB	JOHNNY	10/19/95	0.00		CO I	EA031N	I	1019950953460413424
00626256	WEBB	JOHNNY	11/02/95	0.00		CM	EA031R	B4	1102951750453134951
00626256	WEBB	JOHNNY	11/02/95	20.00		MO 62611838763	263140	B1	S T WEBB 2
00626256	WEBB	JOHNNY	11/09/95	19.90		CM	EA031R	B4	1109950858460413424
00626256	WEBB	JOHNNY	11/09/95	0.00		CO I	EA031N	I	1109950858460413424
00626256	WEBB	JOHNNY	11/14/95	100.00		MO 62611835927	275749	B1	C PEARCE 2
00626256	WEBB	JOHNNY	11/14/95	0.50	EA	AB 000050 000000 POSTAGE	EA28	B4	9511140914460983196
00626256	WEBB	JOHNNY	11/16/95	20.75		CM	EA031S	B4	1116950954460413424
00626256	WEBB	JOHNNY	11/16/95	22.90		CM	EA031R	B4	1116950959460413424
00626256	WEBB	JOHNNY	11/21/95	31.55		CM	EA031R	B4	1121950756460413424
00626256	WEBB	JOHNNY	11/30/95	12.65		CM	EA031R	B4	1130950930460413424
00626256	WEBB	JOHNNY	12/05/95	20.00		MO 63194515558	298162	B1	S WEBB 2
00626256	WEBB	JOHNNY	12/07/95	14.50		CM	EA031R	B4	1207951043460413424
00626256	WEBB	JOHNNY	12/11/95	20.00		MO 63194517843	303817	B1	S WEBB 2
00626256	WEBB	JOHNNY	12/14/95	15.35		CM	EA031R	B4	1214950813460413424
00626256	WEBB	JOHNNY	12/21/95	21.45		CM	EA031R	B4	1221950800453134951
00626256	WEBB	JOHNNY	12/21/95	0.00		CO I	EA031N	I	1221950800453134951
00626256	WEBB	JOHNNY	12/28/95	0.50		CM	EA031R	B4	1228951223453134951
00626256	WEBB	JOHNNY	01/05/96	0.00		CM	EA031R	B4	0105961039460413424
00626256	WEBB	JOHNNY	01/08/96	20.00		MO 63196313837	325763	B1	S WEBB 2
00626256	WEBB	JOHNNY	01/10/96	10.00		MO 080266770	327418	B1	M BOOTH 2
00626256	WEBB	JOHNNY	01/11/96	7.00		AC 162053	126201	B1	2
00626256	WEBB	JOHNNY	01/11/96	100.00		MO 63196327967	329824	B1	C PEARCE 2
00626256	WEBB	JOHNNY	01/12/96	10.00		MO	330252	B1	D BOOTH 2
00626256	WEBB	JOHNNY	01/16/96	41.60		CM	R103IR	B4	0116961056117388159
00626256	WEBB	JOHNNY	01/18/96	20.00		MO 63196328496	334630	B1	S WEBB 2
00626256	WEBB	JOHNNY	01/24/96	12.80		CM	R103IR	B4	0124960716456024404
00626256	WEBB	JOHNNY	01/30/96	41.70		CM	R103IR	B4	0130960659456024404
00626256	WEBB	JOHNNY	01/31/96	20.00		MO 63683572757	342340	B1	S WEBB 2
00626256	WEBB	JOHNNY	01/31/96	0.70		OP EASTHAM CLEARING FUND	846355	B4	2

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TDCNO.	NAME		DATE	AMOUNT	LOC.	TRANSACTION			REPORT	TYPE	SENDEE
00626256	WEBB	JOHNNY	02/06/96	0.00		CM			R103IR	B4	0206960818456335953
00626256	WEBB	JOHNNY	02/15/96	12.50		CM			R103IS	B4	0215961030117388159
00626256	WEBB	JOHNNY	02/15/96	50.68		CM			R103IR	B4	0215961037117388159
00626256	WEBB	JOHNNY	02/20/96	8.95		CM			R103IS	B4	0220961053117388159
00626256	WEBB	JOHNNY	02/20/96	7.90		CM			R103IR	B4	0220961058117388159
00626256	WEBB	JOHNNY	02/20/96	1.05		AC			R103CR	B1	0220961125117388159
00626256	WEBB	JOHNNY	02/23/96	20.00		MO 63683577347			358188	B1	S WEBB 2
00626256	WEBB	JOHNNY	02/27/96	11.15		CM			R103IR	B4	0227960707117388159
00626256	WEBB	JOHNNY	03/05/96	6.10		CM			R103IR	B4	0305960733456335953
00626256	WEBB	JOHNNY	03/14/96	20.00		MO 63683593468			371952	B1	S WEBB 2
00626256	WEBB	JOHNNY	03/26/96	30.05		CM			R103IR	B4	0326960637456335953
00626256	WEBB	JOHNNY	03/26/96	0.00		CO	I		R103IN	I	0326960637456335953
00626256	WEBB	JOHNNY	03/27/96	0.32	R1	AB 000032 000000		POSTAGE	R115	B4	9603271518465710179
00626256	WEBB	JOHNNY	03/29/96	20.00		MO 63688728216			384231	B1	S WEBB 2
00626256	WEBB	JOHNNY	04/02/96	23.60		CM			R103IR	B4	0402961207117388159
00626256	WEBB	JOHNNY	04/02/96	0.00		CO	I		R103IN	I	0402961207117388159
00626256	WEBB	JOHNNY	04/16/96	0.00		CM			R103IR	B4	0416961018456335953
00626256	WEBB	JOHNNY	04/24/96	30.00		MO 63688733638			401908	B1	S WEBB 2
00626256	WEBB	JOHNNY	05/07/96	0.00		CO	I		R103IN	I	0507960911456335953
00626256	WEBB	JOHNNY	05/07/96	28.95		CM			R103IR	B4	0507960911456335953
00626256	WEBB	JOHNNY	05/07/96	100.00		MO 63688737431			414223	B1	C PEARCE 2
00626256	WEBB	JOHNNY	05/15/96	25.05		CM			R103IR	B4	0515961057456024404
00626256	WEBB	JOHNNY	05/21/96	33.55		CM			R103IR	B4	0521960745456335953
00626256	WEBB	JOHNNY	05/21/96	33.55		AC			R103CR	B1	0521960829456335953
00626256	WEBB	JOHNNY	05/21/96	32.85		CM			R103IR	B4	0521960831456335953
00626256	WEBB	JOHNNY	05/23/96	20.00		MO 63688745024			430114	B1	S WEBB 2
00626256	WEBB	JOHNNY	05/28/96	1.90		CM			R103IR	B4	0528961257456335953
00626256	WEBB	JOHNNY	06/04/96	43.20		CM			R103IR	B4	0604961549117388159
00626256	WEBB	JOHNNY	06/11/96	14.50		CM			R103IR	B4	0611961319117388159
00626256	WEBB	JOHNNY	06/11/96	0.00		CO	I		R103IN	I	0611961319117388159
00626256	WEBB	JOHNNY	06/12/96	20.00		MO 63688903345			446134	B1	S WEBB 2
00626256	WEBB	JOHNNY	06/18/96	2.30		CM			R103IR	B4	0618961125456024404
00626256	WEBB	JOHNNY	06/25/96	19.42		CM			R103IR	B4	0625961208456335953
00626256	WEBB	JOHNNY	06/25/96	0.00		CO	I		R103IN	I	0625961208456335953
00626256	WEBB	JOHNNY	07/02/96	1.80		CM			R103IR	B4	0702961452456335953
00626256	WEBB	JOHNNY	07/08/96	20.00		MO 63688902783		001967	466408	B1	S WEBB 2
00626256	WEBB	JOHNNY	07/09/96	15.40		CM			R103IR	B4	0709961155456335953
00626256	WEBB	JOHNNY	07/09/96	0.00		CO	I		R103IN	I	0709961155456335953
00626256	WEBB	JOHNNY	07/16/96	3.70		CM			R103IR	B4	0716960533456335953
00626256	WEBB	JOHNNY	07/22/96	11.00		MO 63688912582			476655	B1	S WEBB 2
00626256	WEBB	JOHNNY	07/23/96	0.00		CO	I		R103IN	I	0723961123117388159
00626256	WEBB	JOHNNY	07/23/96	11.75		CM			R103IR	B4	0723961123117388159
00626256	WEBB	JOHNNY	07/30/96	0.00		CM			R103IR	B4	0730960706456335953
00626256	WEBB	JOHNNY	07/30/96	10.00		MO 64274029435			483604	B1	S WEBB 2
00626256	WEBB	JOHNNY	07/31/96	100.00		MO 63688919253		013015	487816	B1	C PEARCE 2
00626256	WEBB	JOHNNY	08/06/96	8.30		CM			R103IR	B4	0806961016117388159
00626256	WEBB	JOHNNY	08/13/96	41.80		CM			R103IR	B4	0813960627117388159
00626256	WEBB	JOHNNY	08/21/96	15.90		CM			R103IR	B4	0821961116456024404
00626256	WEBB	JOHNNY	08/23/96	20.00		MO 64274026577		009389	210104	B1	S WEBB 2

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00626256	WEBB	JOHNNY	08/27/96	35.85	CM			R103IR	B4	0827960740117388159
00626256	WEBB	JOHNNY	09/03/96	0.00	CM			R103IR	B4	0903961138117388159
00626256	WEBB	JOHNNY	09/10/96	0.00	CO	I		R103IN	I	0910960720117388159
00626256	WEBB	JOHNNY	09/10/96	24.20	CM			R103IR	B4	0910960720117388159
00626256	WEBB	JOHNNY	09/16/96	20.00	MO	64274044588	012529	214725	B1	S WEBB 2
00626256	WEBB	JOHNNY	09/17/96	3.00	CM			R103IR	B4	0917961243117388159
00626256	WEBB	JOHNNY	09/24/96	17.30	CM			R103IR	B4	0924960824466886629
00626256	WEBB	JOHNNY	09/24/96	0.00	CO	I		R103IN	I	0924960824466886629
00626256	WEBB	JOHNNY	10/01/96	3.70	CM			R103IR	B4	1001961354117388159
00626256	WEBB	JOHNNY	10/22/96	0.00	CM			R103IR	B4	1022960620452371496
00626256	WEBB	JOHNNY	10/22/96	100.00	MO	2274022325	003231	251515	B1	C PEARCE 2
00626256	WEBB	JOHNNY	10/25/96	25.00	MO	64863059556	015055	256101	B1	S WEBB 2
00626256	WEBB	JOHNNY	10/29/96	47.55	CM			R103IR	B4	1029960806452371496
00626256	WEBB	JOHNNY	11/05/96	46.30	CM			R103IR	B4	1105960829117388159
00626256	WEBB	JOHNNY	11/12/96	12.76	CM			R103IR	B4	1112961241117388159
00626256	WEBB	JOHNNY	11/19/96	20.00	MO	64863072483	014191	275605	B1	S WEBB 2
00626256	WEBB	JOHNNY	11/27/96	11.50	CM			J409IR	B4	1127961255464236312
00626256	WEBB	JOHNNY	12/04/96	18.90	CM			J409IR	B4	1204961351464236312
00626256	WEBB	JOHNNY	12/11/96	5.65	CM			J409IR	B4	1211961227464319315
00626256	WEBB	JOHNNY	12/11/96	0.00	CO	I		J409IN	I	1211961227464319315
00626256	WEBB	JOHNNY	12/17/96	20.00	MO	65318237267	009364	301105	B1	S WEBB 2
00626256	WEBB	JOHNNY	12/23/96	6.15	CM			J409IR	B4	1223961406464319315
00626256	WEBB	JOHNNY	12/23/96	16.15	CM			J409IR	B4	1223961407464319315
00626256	WEBB	JOHNNY	12/23/96	6.15	AC			J409CR	B1	1223961407464319315
00626256	WEBB	JOHNNY	01/02/97	5.96	CM			J409IR	B4	0102971440464319315
00626256	WEBB	JOHNNY	01/02/97	0.00	CO	I		J409IN	I	0102971440464319315
00626256	WEBB	JOHNNY	01/02/97	10.00	MO	65318244401	016954	313615	B1	S WEBB 2
00626256	WEBB	JOHNNY	01/15/97	0.00	CM			J409IR	B4	0115971340464319315
00626256			01/15/97	20.00	MO	65318241971	011234	323802	B5	S 2
00626256	WEBB	JOHNNY	01/16/97	20.00	MO	65318241971	011234	323802	B1	S WEBB 2
00626256	WEBB	JOHNNY	12/18/97	30.38	XX			763224	B4	1
00626256	WEBB	JOHNNY	10/14/98	0.00	CM			DU08IR	B4	1013980810449808656
00626256	WEBB	JOHNNY	10/20/98	0.00	CM			DU08IR	B4	1020980733449808656
00626256	WEBB	JOHNNY	10/22/98	120.21	NH CA			243206	B1	1
00626256	WEBB	JOHNNY	10/22/98	0.00	NH CP	COMMISSARY PURCHASE		595406	B4	1
00626256	WEBB	JOHNNY	10/23/98	8.30	CM			SV03IR	B4	1023981041464497776
00626256	WEBB	JOHNNY	10/26/98	6.40	CM			SV03IR	B4	1026981030464497776
00626256	WEBB	JOHNNY	10/28/98	9.10	CM			SV03IR	B4	1028981020464497776
00626256	WEBB	JOHNNY	10/28/98	30.00	MO	69052576465	011128	030112	B1	J WEBB 1
00626256	WEBB	JOHNNY	11/04/98	64.95	CM			BY22IR	B4	1104980835454316523
00626256	WEBB	JOHNNY	11/10/98	43.20	CM			BY22IS	B4	1110981430450741683
00626256	WEBB	JOHNNY	11/16/98	18.00	CM			BY22IR	B4	1116981400450741683
00626256	WEBB	JOHNNY	11/16/98	0.00	CO	I		BY22IN	I	1116981400450741683
00626256	WEBB	JOHNNY	12/03/98	0.00	CM			BY22IR	B4	1203981425450741683
00626256	WEBB	JOHNNY	12/03/98	200.00	MO	69052572775	001729	033711	B1	C PEARCE 1
00626256	WEBB	JOHNNY	12/08/98	21.75	CM			BY22IS	B4	1208981329450741683
00626256	WEBB	JOHNNY	12/09/98	30.00	MO	69703410598	014617	034329	B1	S WEBB 1
00626256	WEBB	JOHNNY	12/14/98	40.00	MO	69052580550	001203	034814	B1	S WEBB 1
00626256	WEBB	JOHNNY	12/17/98	100.00	CM			BY22IR	B4	1217980831454316523

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TDCNO.	NAME		DATE	AMOUNT	LOC.	TRANSACTION		REPORT	TYPE	SENDEE
00626256	WEBB	JOHNNY	12/30/98	59.85		CM		BY221R	B4	1230981736450741683
00626256	WEBB	JOHNNY	01/11/99	62.90		CM		BY221R	B4	0109991248454316523
00626256	WEBB	JOHNNY	01/14/99	11.75		CM		BY221R	B4	0114991435454316523
00626256	WEBB	JOHNNY	01/19/99	3.00	BY	MC 000300 000000UTMB	UT	UTMB	B4	0114991600000000000
00626256	WEBB	JOHNNY	01/19/99	40.00		MO 69703434674	021444	001909	B1	S WEBB 1
00626256	WEBB	JOHNNY	01/22/99	0.00		CO	I	BY221N	I	0122991337454316523
00626256	WEBB	JOHNNY	01/22/99	50.98		CM		BY221R	B4	0122991337454316523
00626256	WEBB	JOHNNY	02/09/99	0.00		CM		BY221R	B4	0209991446454316523
00626256	WEBB	JOHNNY	02/10/99	20.00		MO 69658472057	012235	004119	B1	S WEBB 1
00626256	WEBB	JOHNNY	02/18/99	20.00		CM		BY221R	B4	0218991428454316523
00626256	WEBB	JOHNNY	02/18/99	0.00		CO	I	BY221N	I	0218991428454316523
00626256	WEBB	JOHNNY	03/04/99	0.00		CM		BY221R	B4	0304991905460764374
00626256	WEBB	JOHNNY	03/10/99	100.00		MO 69658482486	008856	006925	B1	C PEARCE 1
00626256	WEBB	JOHNNY	03/11/99	53.25		CM		BY221R	B4	0311990656454316523
00626256	WEBB	JOHNNY	03/15/99	30.00		MO 69658451436	017800	007423	B1	S WEBB 1
00626256	WEBB	JOHNNY	03/31/99	20.00		MO 83412953133	022243	009011	B1	S WEBB 1
00626256	WEBB	JOHNNY	06/16/99	3.89	NH	AB 000389 000000	POSTAGE	NH46	B4	9906161500455373774
00626256	WEBB	JOHNNY	06/29/99	52.11	NH	CA		449304	B1	1
00626256	WEBB	JOHNNY	06/29/99	0.00	NH	CP COMMISSARY PURCHASE		511404	B4	1
00626256	WEBB	JOHNNY	07/05/99	20.00		MO 83717772333	021434	018620	B1	S WEBB 1
00626256	WEBB	JOHNNY	07/13/99	19.55		CM		J4091R	B4	0713991515456318459
00626256	WEBB	JOHNNY	07/14/99	18.40		CM		J4091R	B4	0714991305456318459
00626256	WEBB	JOHNNY	07/19/99	3.25		CM		J4091S	B4	0719991703449296068
00626256	WEBB	JOHNNY	07/19/99	14.30		CM		J4091S	B4	0719991704449296068
00626256	WEBB	JOHNNY	07/20/99	1.55		CM		J4091R	B4	0720991439449296068
00626256	WEBB	JOHNNY	07/21/99	19.95		CM		J4091R	B4	0721991807449296068
00626256	WEBB	JOHNNY	07/26/99	12.15		CM		J4091S	B4	0726991736449296068
00626256	WEBB	JOHNNY	07/28/99	19.75		CM		J4091R	B4	0728991759449296068
00626256	WEBB	JOHNNY	07/29/99	20.00		MO 83717774122	003054	021019	B1	S WEBB 1
00626256	WEBB	JOHNNY	07/30/99	100.00		MO 84002600305	004482	021102	B1	C PEARCE 1
00626256	WEBB	JOHNNY	08/02/99	10.15		CM		J4091S	B4	0802991240449296068
00626256	WEBB	JOHNNY	08/04/99	17.20		CM		J4091R	B4	0804991438449296068
00626256	WEBB	JOHNNY	08/05/99	2.80		CM		J4091R	B4	0805991738449296068
00626256	WEBB	JOHNNY	08/09/99	10.15		CM		J4091S	B4	0809991848449296068
00626256	WEBB	JOHNNY	08/11/99	18.70		CM		J4091R	B4	0811991919449296068
00626256	WEBB	JOHNNY	08/12/99	20.00		MO 84002610227	023283	022412	B1	S WEBB 1
00626256	WEBB	JOHNNY	08/13/99	1.40		CM		J4091R	B4	0813991509449296068
00626256	WEBB	JOHNNY	08/16/99	10.15		CM		J4091S	B4	0816991319449296068
00626256	WEBB	JOHNNY	08/16/99	6.95		CM		J4091S	B4	0816991320449296068
00626256	WEBB	JOHNNY	08/18/99	19.30		CM		J4091R	B4	0818991824449296068
00626256	WEBB	JOHNNY	08/20/99	0.70		CM		J4091R	B4	0820991519449296068
00626256	WEBB	JOHNNY	08/25/99	18.20		CM		J4091R	B4	0825991010464236312
00626256	WEBB	JOHNNY	08/26/99	1.80		CM		J4091R	B4	0826991526449296068
00626256	WEBB	JOHNNY	09/01/99	18.45		CM		J4091R	B4	0901991453449296068
00626256	WEBB	JOHNNY	09/02/99	1.90		CM		J4091R	B4	0902990915464236312
00626256	WEBB	JOHNNY	09/03/99	4.60		CM		J4091R	B4	0903991445449296068
00626256	WEBB	JOHNNY	09/08/99	25.20		CM		J4091R	B4	0908991808449296068
00626256	WEBB	JOHNNY	09/08/99	25.00		CM		J4091S	B4	0908991811449296068
00626256	WEBB	JOHNNY	09/08/99	0.00		CO	I	J4091N	I	0908991811449296068

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TDCNO.	NAME		DATE	AMOUNT	LOC.	TRANSACTION		REPORT	TYPE	SENDEE
00626256	WEBB	JOHNNY	09/14/99	3.40	CM			J409IR	B4	0914991104464236312
00626256	WEBB	JOHNNY	09/27/99	0.00	CM			BY41IR	B4	0925991410460764374
00626256	WEBB	JOHNNY	10/04/99	0.00	CM			BY22IR	B4	1002990954454316523
00626256	WEBB	JOHNNY	10/04/99	20.00	MO	84005510332	005964	027706	B1	S WEBB 1
00626256	WEBB	JOHNNY	10/21/99	16.25	CM			BY41IR	B4	1021991310460764374
00626256	WEBB	JOHNNY	10/21/99	0.00	CO		I	BY41IN	I	1021991310460764374
00626256	WEBB	JOHNNY	10/21/99	20.00	MO	84005523347	021131	029423	B1	S WEBB 1
00626256	WEBB	JOHNNY	10/22/99	200.00	MO	84005523685	004096	029511	B1	G PEARCE 1
00626256	WEBB	JOHNNY	10/29/99	67.30	CM			BY22IR	B4	1029990941454316523
00626256	WEBB	JOHNNY	11/05/99	42.65	CM			BY22IR	B4	1105990925454316523
00626256	WEBB	JOHNNY	11/15/99	99.58	CM			BY22IR	B4	1115990718454316523
00626256	WEBB	JOHNNY	11/29/99	25.00	MO	84005543261	000052	033308	B1	S WEBB 1
00626256	WEBB	JOHNNY	12/02/99	39.25	CM			BY41IR	B4	1202991530460764374
00626256	WEBB	JOHNNY	12/02/99	0.00	CO		I	BY41IN	I	1202991530460764374
00626256	WEBB	JOHNNY	12/08/99	25.00	MO	84000864701	016363	034225	B1	S WEBB 1
00626256	WEBB	JOHNNY	12/13/99	25.00	MO	83716185295	023439	034702	B1	S WEBB 1
00626256	WEBB	JOHNNY	12/16/99	25.00	MO	01809840881	020294	035017	B1	B TUCKER 1
00626256	WEBB	JOHNNY	12/17/99	62.42	CM			JA11IR	B4	1217991342463236418
00626256	WEBB	JOHNNY	12/20/99	30.00	MO	84000868323	017962	035417	B1	S WEBB 1
00626256	WEBB	JOHNNY	12/22/99	42.60	CM			JA11IR	B4	1222990838463236418
00626256	WEBB	JOHNNY	12/22/99	0.00	CO		I	JA11IN	I	1222990838463236418
00626256	WEBB	JOHNNY	01/11/00	0.00	CM			JA09IR	B4	0111001511363444074
00626256	WEBB	JOHNNY	01/27/00	0.00	CM			JA11IR	B4	0127000852463236418
00626256	WEBB	JOHNNY	02/08/00	100.00	MO	84489564644	000419	003902	B1	C PEARCE 1
00626256	WEBB	JOHNNY	02/15/00	74.85	CM			JA24IR	B4	0215001452464573606
00626256	WEBB	JOHNNY	02/22/00	22.45	CM			JA24IR	B4	0222000806464573606
00626256	WEBB	JOHNNY	02/22/00	0.00	CO		I	JA24IN	I	0222000806464573606
00626256	WEBB	JOHNNY	03/01/00	20.00	MO	84487253332	009984	006119	B1	S WEBB 1
00626256	WEBB	JOHNNY	03/02/00	0.00	CO		I	JA24IN	I	0302000839450357750
00626256	WEBB	JOHNNY	03/02/00	20.30	CM			JA24IR	B4	0302000839450357750
00626256	WEBB	JOHNNY	03/23/00	20.00	MO	84938618542	000655	008330	B1	S WEBB 1
00626256	WEBB	JOHNNY	04/03/00	18.65	CM			JA09IR	B4	0403001418442764038
00626256	WEBB	JOHNNY	04/03/00	0.00	CO		I	JA09IN	I	0403001418442764038
00626256	WEBB	JOHNNY	04/11/00	20.00	MO	84938626563	009088	010207	B1	S WEBB 1
00626256	WEBB	JOHNNY	04/17/00	23.00	CM			JA11IR	B4	0417000809442764038
00626256	WEBB	JOHNNY	04/17/00	0.00	CO		I	JA11IN	I	0417000809442764038
00626256	WEBB	JOHNNY	04/19/00	100.00	MO	84938642976	000035	011003	B1	C PEARCE 1
00626256	WEBB	JOHNNY	04/26/00	74.92	CM			JA09IR	B4	0426001050456963892
00626256	WEBB	JOHNNY	05/09/00	5.75	CM			JA11IR	B4	0509001043442764038
00626256	WEBB	JOHNNY	05/11/00	20.00	CM			JA11IR	B4	0511001350442764038
00626256	WEBB	JOHNNY	05/11/00	0.00	CO		I	JA11IN	I	0511001350442764038
00626256	WEBB	JOHNNY	05/16/00	0.00	CM			JA11IR	B4	0516000829442764038
00626256	WEBB	JOHNNY	05/26/00	0.00	CM			JA11IR	B4	0526001058456963892
00626256	WEBB	JOHNNY	05/31/00	20.00	MO	85509768622	022537	015213	B1	S WEBB 1
00626256	WEBB	JOHNNY	06/02/00	19.90	CM			JA09IR	B4	0602000832456963892
00626256	WEBB	JOHNNY	06/02/00	0.00	CO		I	JA09IN	I	0602000832456963892
00626256	WEBB	JOHNNY	06/12/00	0.00	CM			JA11IR	B4	0612001503456963892
00626256	WEBB	JOHNNY	06/21/00	0.00	CM			JA11IR	B4	0621002008363444074
00626256	WEBB	JOHNNY	06/27/00	0.00	CM			JA09IR	B4	0627000821456963892

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TDCNO.	NAME		DATE	AMOUNT	LOG.	TRANSACTION		REPORT	TYPE	SENDEE
00626256	WEBB	JOHNNY	07/05/00	20.00		MO 85509769421	014217	018724	B1	S WEBB 1
00626256	WEBB	JOHNNY	07/06/00	100.00		MO 85510088998	001848	018825	B1	C PEARCE 1
00626256	WEBB	JOHNNY	07/07/00	73.87		CM		JA091R	B4	0707001013456963892
00626256	WEBB	JOHNNY	07/14/00	1.10		CM		JA111R	B4	0714000813442764038
00626256	WEBB	JOHNNY	07/19/00	43.87		CM		JA111R	B4	0719000844442764038
00626256	WEBB	JOHNNY	07/19/00	0.00		CO	I	JA111N	I	0719000844442764038
00626256	WEBB	JOHNNY	07/24/00	1.30		CM		JA111R	B4	0724000943442764038
00626256	WEBB	JOHNNY	08/03/00	0.00		CM		JA091R	B4	0803001107456963892
00626256	WEBB	JOHNNY	08/03/00	20.00		MO 85512314417	013522	021611	B1	S WEBB 1
00626256	WEBB	JOHNNY	08/14/00	130.00		MO 85512315598	013746	022703	B1	WEBB 1
00626256	WEBB	JOHNNY	08/23/00	73.02		CM		JA111R	B4	0823001405456963892
00626256	WEBB	JOHNNY	08/29/00	3.00	JA	MC 000300 000000CMC4587 TT		JAMA	B4	0827000340000000000
00626256	WEBB	JOHNNY	09/05/00	52.96		CM		JA111R	B4	0905001359442764038
00626256	WEBB	JOHNNY	09/11/00	0.00		CO	I	JA111N	I	0911001653363444074
00626256	WEBB	JOHNNY	09/11/00	20.15		CM		JA111R	B4	0911001653363444074
00626256	WEBB	JOHNNY	09/13/00	3.00	JA	MA 000300 0000000C00137 TT		JAMA	B1	0827000340000000000
00626256	WEBB	JOHNNY	09/13/00	0.80		CM		JA111R	B4	0913001556363444074
00626256	WEBB	JOHNNY	09/18/00	2.55		CM		JA111R	B4	0918000811442764038
00626256	WEBB	JOHNNY	09/21/00	0.40		OP TTUHSC-CHC		519908	B4	1
00626256	WEBB	JOHNNY	10/18/00	0.00		CM		JA261R	B4	1018001250466551978
00626256	WEBB	JOHNNY	10/24/00	100.00		MO 02486460870	003307	029830	B1	S WEBB 1
00626256	WEBB	JOHNNY	10/30/00	59.00		CM		HV071R	B4	1030000728449508078
00626256	WEBB	JOHNNY	01/30/01	2.72	DU	AB 000272 000000 POSTAGE		DU44	B4	0101300925460331896
00626256	WEBB	JOHNNY	02/06/01	0.44	DU	CA DIAG MISC		320701	B1	DIAGNOSTIC UNIT 1
00626256	WEBB	JOHNNY	02/06/01	0.00	DU	CP COMMISSARY PURCHASE		000001	B4	1
00626256	WEBB	JOHNNY	02/09/01	30.00		MO 02544991053	011769	004026	B1	S BB 1
00626256	WEBB	JOHNNY	02/12/01	10.00		MO 02588859191	016832	004334	B1	TUCKEI 1
00626256	WEBB	JOHNNY	03/23/01	57.23		CM		JAB21R	B4	0323010858463236418
00626256	WEBB	JOHNNY	04/06/01	0.00		CO	I	JAB21N	I	0406010919464334530
00626256	WEBB	JOHNNY	04/06/01	21.38		CM		JAB21R	B4	0406010919464334530
00626256	WEBB	JOHNNY	04/23/01	0.00		CM		JAB21R	B4	0423010957464334530
00626256	WEBB	JOHNNY	04/24/01	0.34	JA	AB 000027 000007 I POSTAGE		JA14	B4	0104241151301441597
00626256	WEBB	JOHNNY	04/26/01	0.34	JA	AB 000000 000034 POSTAGE		JA64	B4	0104261105459770205
00626256	WEBB	JOHNNY	05/02/01	30.00		MO 03131756875	003195	012208	B1	S WEBB 1
00626256	WEBB	JOHNNY	05/02/01	0.41	JA	PP 000041 000000		012208	B4	
00626256	WEBB	JOHNNY	05/09/01	16.03		CM		JAB21R	B4	0509010852463236418
00626256	WEBB	JOHNNY	05/14/01	200.00		MO 02997094915	000782	013406	B1	C PEARCE 1
00626256	WEBB	JOHNNY	05/23/01	0.90		CM		JAB21R	B4	0523010953464334530
00626256	WEBB	JOHNNY	06/06/01	58.25		CM		JAB21R	B4	0606010948463236418
00626256	WEBB	JOHNNY	06/07/01	30.00		MO 03131781491	002212	015812	B1	S WEBB 1
00626256	WEBB	JOHNNY	06/26/01	62.38		CM		JAB21R	B4	0626010805463236418
00626256	WEBB	JOHNNY	07/10/01	56.86		CM		JAB21R	B4	0710010831463236418
00626256	WEBB	JOHNNY	07/23/01	53.20		CM		JAB21R	B4	0723010808463236418
00626256	WEBB	JOHNNY	08/09/01	11.83		CM		JAB21R	B4	0809010945464334530
00626256	WEBB	JOHNNY	08/09/01	0.00		CO	I	JAB21N	I	0809010945464334530
00626256	WEBB	JOHNNY	08/09/01	30.00		MO 03220745534	002378	022125	B1	J WEBB 1
00626256	WEBB	JOHNNY	09/06/01	24.00		MO 03278878795	000534	024901	B1	B DOXEX 1
00626256	WEBB	JOHNNY	09/11/01	31.23		CM		JAB21R	B4	0911010957464334530
00626256	WEBB	JOHNNY	09/12/01	30.00		MO 0	000706	025529	B1	A LAYTONXJAMES 1

TDCNO.	NAME		DATE	AMOUNT	LOC.	TRANSACTION		REPORT	TYPE	SENDEE
00626256	WEBB	JOHNNY	09/24/01	100.00	MO	03572182877	007461	026720	B1	S WEBB 1
00626256	WEBB	JOHNNY	09/26/01	59.72	CM			JAB21R	B4	0926010829464334530
00626256	WEBB	JOHNNY	10/10/01	58.75	CM			JAB21R	B4	1010010741464334530
00626256	WEBB	JOHNNY	10/24/01	0.00	CO		I	JAB21N	I	1024011103466551978
00626256	WEBB	JOHNNY	10/24/01	33.30	CM			JAB21R	B4	1024011103466551978
00626256	WEBB	JOHNNY	11/08/01	0.34	JA AB	000034 000000	POSTAGE	JA14	B4	0111081014301441597
00626256	WEBB	JOHNNY	11/26/01	0.70	CM			JAB21R	B4	1126010944464334530
00626256	WEBB	JOHNNY	11/27/01	200.00	MO	03573598735	001166	033118	B1	C PEARCE 1
00626256	WEBB	JOHNNY	11/27/01	9.85	MO	0100 0029424	004172	033127	B1	E HAMILTON 1
00626256	WEBB	JOHNNY	12/03/01	100.00	MO	03573585101	012760	033740	B1	S XEXX 1
00626256	WEBB	JOHNNY	12/13/01	58.65	CM			JAB21R	B4	1213011006466551978
00626256	WEBB	JOHNNY	12/19/01	20.00	MO	03651606720	001846	035305	B1	B TUCKER 1
00626256	WEBB	JOHNNY	01/07/02	70.05	CM			JAB21R	B4	0107021013466551978
00626256	WEBB	JOHNNY	01/25/02	49.45	CM			JAB21R	B4	0125021043466551978
00626256	WEBB	JOHNNY	02/08/02	52.95	CM			JAB21R	B4	0208020844466551978
00626256	WEBB	JOHNNY	02/14/02	20.00	MO	03938189343	001828	004506	B1	S WEBB 1
00626256	WEBB	JOHNNY	02/27/02	48.31	CM			JAB21R	B4	0227020912466551978
00626256	WEBB	JOHNNY	03/13/02	27.45	CM			JAB21R	B4	0313020747466551978
00626256	WEBB	JOHNNY	03/26/02	200.00	MO	03942881908	007738	008526	B1	X PEARCE 1
00626256	WEBB	JOHNNY	04/02/02	54.59	CM			JAB21R	B4	0402020951466551978
00626256	WEBB	JOHNNY	04/16/02	100.00	MO	03942894150	001655	010606	B1	S WEBB 1
00626256	WEBB	JOHNNY	05/08/02	80.85	CM			JAB21R	B4	0508020942466551978
00626256	WEBB	JOHNNY	05/22/02	57.63	CM			JAB21R	B4	0522020659450357750
00626256	WEBB	JOHNNY	06/10/02	58.21	CM			JAB21R	B4	0610020807466551978
00626256	WEBB	JOHNNY	07/05/02	55.62	CM			JAB21R	B4	0705021118466551978
00626256	WEBB	JOHNNY	07/16/02	30.00	MO	04257638302	000230	019703	B1	S WEBB 1
00626256	WEBB	JOHNNY	07/22/02	51.57	CM			JAB21R	B4	0722021035450357750
00626256	WEBB	JOHNNY	08/01/02	14.33	CM			JAB21R	B4	0801021239450357750
00626256	WEBB	JOHNNY	08/01/02	0.00	CO		I	JAB21N	I	0801021239450357750
00626256	WEBB	JOHNNY	08/15/02	0.00	CM			JAB21R	B4	0815021214450357750
00626256	WEBB	JOHNNY	08/15/02	70.00	MO	02544998973	004204	022712	B1	S WEBB 1
00626256	WEBB	JOHNNY	08/21/02	200.00	MO	02544999748	004604	023315	B1	C PEARCE 1
00626256	WEBB	JOHNNY	08/29/02	55.66	CM			JAB21R	B4	0829021139450357750
00626256	WEBB	JOHNNY	09/16/02	59.65	CM			JAB21R	B4	0916021141450357750
00626256	WEBB	JOHNNY	09/26/02	53.25	CM			JAB21R	B4	0926020742450357750
00626256	WEBB	JOHNNY	09/26/02	0.70	CM			JAB21R	B4	0926021206466551978
00626256	WEBB	JOHNNY	09/26/02	0.70	AC			JAB2CR	B1	0926021206466551978
00626256	WEBB	JOHNNY	10/14/02	51.40	CM			JAB21R	B4	1014020747466551978
00626256	WEBB	JOHNNY	10/15/02	100.00	MO	04578559806	003046	028811	B1	S WEBB 1
00626256	WEBB	JOHNNY	10/18/02	3.00	JA MC	000300 000000MH08184 TT		JAH2	B4	1009020956000000000
00626256	WEBB	JOHNNY	10/24/02	60.55	CM			JAB21R	B4	1024021105450357750
00626256	WEBB	JOHNNY	10/24/02	0.80	AC			JAB2CR	B1	1024021233450357750
00626256	WEBB	JOHNNY	11/07/02	50.75	CM			JAB21R	B4	1107020959450357750
00626256	WEBB	JOHNNY	12/17/02	200.00	MO	04581821518	002590	035107	B1	C PEARCE 1
00626256	WEBB	JOHNNY	12/18/02	55.70	CM			JAB21R	B4	1218020617466551978

ITS711 - 03/18/14

TEXAS DEPARTMENT OF CORRECTIONS
INMATE BANKING - TRANSACTION HISTORY

TDCNO.	NAME	DATE	AMOUNT	LOC.	TRANSACTION	REPORT	TYPE	SENDEE
01705428	NO ACCOUNT ACTIVITY							

APPENDIX 28

Dear LAVETA, 9-25-04

Hello, Greetings and Regards.
I hope that all is going well with you and that you are in good health and Spirits.

Mr. Pearce told me to write to you about my Magazine Subscriptions. The thing is that, I recently started receiving new magazine subscriptions and some of them where Doubling up. Mr. Pearce didn't say he re-order, so I think that maybe that Delta Magazine Subscription Service is automaticly charging his credit Card every year. Thats illegal. Delta has a Bad Rep. about screwing people over. They are the ones I had a problem with past time. DO NOT ORDER FROM THEM.

OK. first thing you need to do is call Delta Publishing at 719-972-0900 and find out why they are re-order these magazine without permission. Unless Mr. Pearce re-order because he did not say.

Second, Some of the Magazines I do want to keep. But some I want to cancel. I'll give you a list.

(THE ONE I WANT TO KEEP) ↓

KEEP	1.	ARCHAEOLOGY	EXPIRES	J/A 2005
KEEP	2.	NATURAL HISTORY	EXPIRES	2006 or 2007
KEEP	3.	POPULAR MECHANICS	EXPIRES	OCT. 2006
KEEP	4.	ROAD + TRACK	EXPIRES	SEP 2005 - CANCEL IF REFUSE TO CORRECT.
KEEP	5.	SPORTING NEWS	EXPIRES	SEP 2007
KEEP	6.	NATIONAL GEOGRAPHIC	EXPIRES	JUN 2006
KEEP	7.	POWER + MOTOR YACHT.	EXPIRES	FEB 2007
KEEP	8	G.Q.	EXPIRES	UNSURE

02

800 874 8316

KEEP 9. Civil War Times Expires 2006

CANCEL 10 Field + Stream I have not received this magazine in the last 9 months. So JUST CANCEL IT.

All these magazines where ordered from Delta.

Could you Please call Road + Track Magazine at 323-954-4638 and explain to them that we have ordered their magazine 3 times 1 once from Delta, once from Discount Magazine Service and once again from Delta. However they are not showing up as the Sep 2005 expiration date shows the expiration date should atleast be Sep. 2006. If they refuse to correct their mistake cancel the Subscription and have them send you a refund check.

Also call Field + Stream and Cancel that Subscription as well tell them to send you / Mr Pearce a refund check. Field + Stream at 1-800-299-0639 call & Cancel

OK the following is the list of Magazines that where ordered from Discount Magazine Subscription Service 516-681-0247. Most of which are the same and this is How some Magazines subscriptions where doubled up last time: Do Not re-order any of these Magazines either.

1.	KEEP	1. Civil War Times
2.	CANCEL	2. Esquire
3.	CANCEL	3. Rodale's Scuba Diving
4.	CANCEL	4. ESPN
5.	KEEP	5. Natural History
6.	KEEP	6. National Geographic
7.	KEEP	7. Road + Track ~~Cancel it refuse to correct.~~ exp 9-2005
8.	KEEP	8. Sporting News
9.	KEEP	9. Power & Motor Yacht
10	CANCEL	10 Field + Stream

Levata, I don't think that Discount Service would reorder automatically, so it would be best just to call those magazines that I want to cancel to see if they have been reordered or maybe you can call Discount Service. Either way here are the # to the magazines just in case.

1. ESQUIRE MAGAZINE 1-800-888-5400 Cancel
2. ROBBIES SCUBA DIVING 1-800-666-0016 cancel
3. ESPN -1-888-267-3684 cancel

If any of these have been re-ordered cancel and have a refund check sent to you/Mr. Pearce

Ok. Last all the ones I want to cancel or Not renew I want to trade for these ~~new~~ NEW ones. But you can not use a credit card to order them. I think thats best. I have enclosed the order forms. You will have to figure out the 8.25% sales tax. I don't want to screw that up. Here is the list of New Magazines I want for the ones I'm canceling or trading off. Some are pretty cheap.

1. CONDE NAST TRAVELER 12 issues $7.99
2. KIPLINGERS PERSONAL FIN. 12 ISSUES $6.99
3. MAXIM 12 ISSUES $6.99
4. STUFF 12 ISSUES $6.99
5. ROBB REPORT 12 ISSUES $21.00
6. WEEKLY WORLD NEWS 52 ISSUES $21.00

Please let ~~me~~ Mr. Pearce know he can only send a check or money order to pay for these. That way his credit card doesn't automatically get hit for charges.

Ordered 11-1-04

Say Lavita, I hope that I did not confuse you with all this. I really do appreciate your help with this. I had my mom call all the magazines and stop the Double issues I was receiving and try to fix the expiration dates of them. However Road & Track she could never get anyone. Those people have computers to check all the orders they receive so I don't see why they don't fix their mistake.

I also hope that the order forms for the New magazines don't confuse you. It really is alot to sort out.

Once again thank you very much for your time and help with all this. I know this seems like a lot of magazines. But. I set in this cell 24/7. with nothing to do But read. Its too hard to find good books and ordering and sending into the prison is a real problem. I love to read. And to write letters but Mr. Pearce and my mom are the only people I write. So I read.

Well, I close for now. I done talked your ear off Take Care of yourself. Give Mr. Pearce my Best.

Awaiting your Response I shall remain.

Sincerely
Johnny E Wells

MR JOHNNY E WEBB #626256
2101 FM. 369 N.
J.N. ALLRED
IOWA PARK, TX 76367

WICHITA FALLS TX 763
PM
27 SEP
2004

Mrs. Loneta Calame
2201 Arcady Ln.
Corsicana TX. 75110

75110#2639

APPENDIX 29

Past Vehicles:

1991 CHEVROLET - Series: **CHEYENNE~SCOTTSDALE~SILVE** - Model: **C/K1500**
VIN: **2GCEC19K9M1105640**
Body Style: **EXTENDED CAB** - Vehicle Type: **Passenger Car**
Weight: **4400** lbs - Length: **223 - 237"**
Most Current Tag #[redacted] Valid from: **(12/01/2007 to 11/30/2008)**
Doors: **2**
MSRP: **$13,065**
Plant: **OSHAWA, ONTARIO, CANADA**
Restraint Type: **ACTIVE BELTS**
Gross Vehicle Weight Range: **6001-7000**
Height: **70.4**
Wheel Base: **141.5 - 155.5**
Wheel Dimensions: **15.0**
Drive Type: **RWD**
Fuel: **GAS 25 Gallon**
Engine: **5.7L V8 NATURALLY ASPIRATED**
Most Current Owner/Registrant/Lien Information - 11/01/1999 to 11/30/2008

Title Holders

[redacted]

Title Number: **16131336724114051**
State Titled In: **TX**
Original Title Date: **07/28/2000**
Title Transfer Date: **03/23/2007**

Lien Holders
None Found

Lessors
None Found
Title Holders

[redacted]

Title Number: **16131336724114051**
State Titled In: **TX**
Original Title Date: **07/28/2000**
Title Transfer Date: **07/28/2000**

Lien Holders
None Found

Lessors
None Found

Registrant

[redacted]

Registered: 11/01/1999 to 11/30/2008

[redacted]

Vehicle Tag History

License Plate: [redacted] Valid from: (12/01/2007 to 11/30/2008)

License Plate: [redacted] Valid from: (11/01/1999 to 10/31/2006)

Previous Owner/Registrant/Lien Information - 09/04/1997 to 10/31/2000

Title Holders

JOHNNY E WEBB

[redacted] CORSICANA, TX 75110-3527 (NAVARRO COUNTY)

Title Number: 1750003597015470[redacted]

State Titled In: TX

Original Title Date: 07/08/1998

Title Transfer Date: 07/08/1998

Lien Holders

FIRST STATE BANK OF NORTH TEXAS

PO BOX 625, CORSICANA, TX 75151-0625 (NAVARRO COUNTY)

Lessors

None Found

Registrant

JOHNNY E WEBB

Registered: 09/04/1997 to 10/31/2000

Addresses Registered to While owned by JOHNNY E WEBB

[redacted], CORSICANA, TX 75110-3527 (NAVARRO COUNTY)(09/04/1997 to 11/01/1999)

Vehicle Tag History

License Plate: [redacted] Valid from: (11/03/1998 to 10/31/2000)

Previous License Plate: [redacted]

License Plate: [redacted] Valid from: (09/04/1997 to 08/31/1998)

Previous Owner/Registrant/Lien Information - 09/01/1996 to 08/31/1998

Title Holders

None Found

Registrant

HAYNIE DRILLING CO. INC.

Registered: 09/01/1996 to 08/31/1998

Addresses Registered to While owned by HAYNIE DRILLING CO. INC.

PO BOX 1061, CORSICANA, TX 75151-1061 (NAVARRO COUNTY)(09/01/1996 to 09/04/1997)

Vehicle Tag History

License Plate: [redacted] Valid from: **(09/01/1996 to 08/31/1998)**

APPENDIX 30

HARRIS COUNTY PRETRIAL SERVICES AGENCY DEFENDANT INTERVIEW

DEFENDANT NAME: WEBB, JOHNNY EVERETT SPN: 01659694 D.A.

CHARGE INFORMATION 998

CHARGE AND BOND
PCS-CRACK PIPE 000000
COURT AND CASE NO.
232/078S3501010 / /

ADDITIONAL CHARGES: FELONY 00 MISDEMEANOR 00 CLASS C 00
HOLDS N HARRIS CO. WARRANTS N FUGITIVE N

CRIMINAL HISTORY SUMMARY
FELONY CONVICTIONS 08 MISDEMEANOR CONVICTIONS 00
PRESENTLY ON PROBATION N PRESENTLY ON PAROLE N PREVIOUSLY FTA N

DEFENDANT REPORTED CONVICTIONS / OPEN CASES

	ARREST DT	LOCATION	CHARGE	NAME USED	DISPOSITION
1.	1998	HARRIS	PCS	SAME	OPEN CASE) RTN-0798
2.					
3.					
4.					

PERSON IDENTIFICATION INFORMATION

TRUE NAME WEBB, JOHNNY EVERETT ADDITIONAL SPN ____ POSSIBLE SPN ____

AKA / OTHER NAMES NONE PER DEF

AGE 28 SEX M RACE W MARTIAL STATUS M DOB 011570 DOB2 ____

CITIZENSHIP Y POB TEXAS HGT 511 WGT 185 EYE GRN HAIR BRN
SCARS / MARKS / TATOOS NONE-VIS DEFENDANT SPEAKS EN

SSN ____ DL NO. [redacted] DL STATE TX SON 891052
FBI [redacted] SID TX03940833 HPD 788872 INS NO. ____

RESIDENCE INFORMATION 998

CURRENT ADDRESS 5929 BISSONETT APT NO. 0117 CITY HOU STATE TX

ZIP 77081 COUNTY HARRIS APT NAME JOHNATHAN II APT HOME PHONE NP RETURN Y

LENGTH HERE 005/M LIVES WITH CHAUNA DALE SLN RELATION WIFE WK PHONE NONE
CHILDREN 04/04 AGE RANGE FROM 05/Y TO09/M

ALTERNATE ADDRESS ____ APT NO. ____ CITY ____ STATE ____

ZIP ____ HOME PHONE ____ LIVES WITH ____
RELATIONSHIP ____ WORK PHONE ____ CAN CONTACT ____

PREVIOUS ADDRESS UNK APT NO. UNK CITY HOU STATE TX

ZIP TX770 HOME PHONE NP LIVED WITH SAME RELATION WIFE

STILL THERE N CAN CONTACT N LENGTH HERE 001/M

OCCUPATIONAL INFORMATION 998

EMP FT UNEMP ____/ SCH ____ TRN ____ DISABILITY NONE OTHER ____

CURRENT EMPLOYER / SCHOOL THE OCEAN CORP POSITION / GRADE CML DIVER DEPT EXPLORATAI SHIFT 2
ADDRESS 10840 ROCKLEY RD CITY HOU STATE TX ZIP TX770

WORK PHONE UNK CONTACT AT WORK RICK MULIGAN CAN CONTACT Y LENGTH EMP 002/M

INCOME 1600/MO SOURCE OF INCOME IF NOT EMP ____ DEPENDANTS 06

SECOND JOB/SCHOOL NONE ADDRESS ____
PREVIOUS EMPLOYER SUB-CONTRACTOR POSITION CML DIVER LENGTH EMP UNK/M INCOME UNK /MO

PREV EMP ADDRESS UNK CITY HOU STATE TX ZIP TX770 WORK PHONE UNK

VETERAN N BRANCH OF SERVICE NONE H.S. GRADUATE Y OBTAINED GED N GRADE COMPLETED 013Y
HEALTH PROBLEM Y TYPE OF HEALTH PROBLEM SEE PTS7 ALCOHOL PROBLEM N DRUG PROBLEM N

PRINTED ON 06/27/98 AT 04:00

HARRIS COUNTY PRETRIAL SERVICES AGENCY DEFENDANT INTERVIEW

DEFENDANT NAME: WEBB, JOHNNY EVERETT SPN:01659694 D.A.

FINANCIAL INFORMATION

999

SPOUSES EMPLOYER N/A ADDRESS ____ CITY ____ STATE ____ ZIP ____

SPOUSES INCOME ____ CASH ON HAND 7.00 OTHER PROP OWNED NONE

BANK NAME NONE AMT CHECKING 00 AMT SAVINGS 00
RESIDENCE STATUS R NAME ON LEASE DEF

OTHER INCOME SOURCE CHAS. PIERCE INCOME 1000 MO SOURCE ____ INCOME ____
SOURCE ____ INCOME ____ SOURCE ____ INCOME ____

MOTOR VEHICLE 1 Y MAKE/MODEL 91 CHEV P/U VALUE 10000 OWES 00
MOTOR VEHICLE 2 ____ MAKE/MODEL ____ VALUE ____ OWES ____

MONTHLY EXPENSES MORT/RENT 325 UTIL 60 FOOD 300 MEDICAL 00
CHILD CARE 00 INS 35 AUTO 150 CREDITORS 00
COURT ORDERED 00 OTHER 00

REFERENCES

999

CONTACTED ANYONE SINCE ARREST Y WHO PARENTS PHONE NUMBER 903 8746348
ATTORNEY'S NAME NONE ATTORNEY'S PHONE NUMBER ____

NEXT OF KIN NPD RELATION ____ KNOWN DEF ____ ADDRESS ____
HOME PH ____ WK PH ____ CONTACT ____ VERIFIER ____ DATE/TIME ____

VERIFIED : ADDRESS __1__2__3__4__5__ COMMENTS ____

REFERENCE CHARLES PIERCE RELATION FRD KNOWN DEF LIF ADDRESS 1201 GOVERNORS RD
HOME PH 903 8748525 WK PH NONE CONTACT Y VERIFIER ____ DATE/TIME ____

VERIFIED : ADDRESS __1__2__3__4__5__ COMMENTS ____

REFERENCE NPD RELATION ____ KNOWN DEF ____ ADDRESS ____

HOME PH ____ WK PH ____ CONTACT ____ VERIFIER ____ DATE/TIME ____

VERIFIED : ADDRESS __1__2__3__4__5__ COMMENTS ____

COMMENTS

999

DEF HAS NO OTHER REFERENCES
DEF STATED THAT HE WAS NOT ON PAROLE
TX DL 09479271
BOND RAISED TO $15000 IN PCH ON 050598

BAIL CLASSIFICATION SCALE

VARIABLE	SCORING	POINTS
1. AUTO	Add 1 point if the defendant has an automobile	(+) 1
2. TELEPHONE	Add 1 point if the defendant has a phone in his / her residence	(+) 0
3. FULL TIME EMPLOYMENT OR SCHOOL, OR HOMEMAKER	Add 1 point if defendant is either employed or attending school full time, or if defendant is a full time homemaker	(+) 1
4. NUCLEAR FAMILY	Add 1 point if defendant lives alone or with his / her spouse and or children	(+) 1
5. UNDER 21 YEARS OLD	Subtract 1 point if the defendant is under 21 years old	(-) 0
6. PRIOR FAILURES TO APPEAR	Subtract 1 point if defendant has one or more verified fta's	(-) 0
7. PRIOR MISDEMEANORS	Subtract 1 point if defendant has 2 or more prior misdemeanor convictions	(-) 0
8. PRIOR FELONIES	Subtract 2 points if the defendant has 2 or more prior felony convictions	(-) 2
TOTAL	RANGE +4 TO -6	+01

INTERVIEW PARTICULARS

999

INTERVIEWER 00607463 DM SHIFT 2 DATE/TIME 050598/0705 LOCATION HCJ DATE OF ARREST 050498
JIMS CHECKS MED TCIC HIST ATT TCIC WANTS CLR NCIC HIST ATT NCIC WANTS CLR
HPD RAP ____ SO ID CLR CRISS CROSS ____ OTHER ____

JUDICIAL DECISION

DENIED ____ APPROVED ____

DATE ____ DATE ____

PRINTED ON 05/06/98 AT 04:00

HCDistrictclerk.com The State of Texas vs. WEBB, JOHNNY E. (SPN: *01659694*) 3/7/2014

Cause: 078207101010 CDI: 3 Court: 232

APPEALS
No Appeals found.

PAYMENT PLAN
No Payment Plan found.

RELATED CASES
No related cases found.

WITNESS
No Witness found.

SUMMARY

CASE DETAILS

File Date	5/4/1998
Case (Cause) Status	Complete
Offense	POSS CS PG 1 <1G
Last Instrument Filed	Felony Indictment
Case Disposition	DISP-080598
Case Completion Date	8/5/1998
Defendant Status	DISPOSED
Bond Amount	$15,000.00
Next/Last Setting Date	8/5/1998

DEFENDANT DETAILS

Race/Sex	W / M	**Height/Weight**	5'11 / 189 LBS
Eyes	GRN	**Hair**	BRO
Skin	FAR	**Build**	MED
DOB	1/15/1970	**In Custody**	N
US Citizen	YES	**Place Of Birth**	TX
Address	5929 BISSONNET HOUSTON TX77081		
Markings			

COURT DETAILS

Court	232nd
Address	1201 Franklin (Floor: 16) Houston, TX 77002 Phone:7137556778
JudgeName	Mary Lou Keel
Court Type	Criminal

BONDS

Date	Type	Description	SNU
05/04/1998	BOND SET	$10000	999
05/24/1998	BOND FILED	CRT 232 TIME 1948 TYPE SURETY	
05/24/1998	BOND MADE	AMT $15000 DATE 05/23/98 RCPT #	
05/24/1998	BONDSMAN	IFIC-ROMEO, CLEMENT H.	

ACTIVITIES

Date	Type	Description	SNU/CFI
05/04/1998	COMPLAINT FILED	2149 232 POSS CS PG 1 <1G LEVEL FS	

05/04/1998	BOND SET	$10000	999
05/04/1998		REVIEWED BY	
05/04/1998	ORI	HOUSTON POLICE DEPAR OFFENSE NO: 55772998	
05/04/1998	COMPLAINANT	YOUNG, MICHAEL	
05/05/1998	CMIF	TIME 0925 AMOUNT $15000	999
05/05/1998		NOT ACKNOWLEDGED BY SHERIFF	
05/24/1998	BOND FILED	CRT 232 TIME 1948 TYPE SURETY	
05/24/1998	BOND MADE	AMT $15000 DATE 05/23/98 RCPT #	
05/24/1998	BONDSMAN	IFIC-ROMEO, CLEMENT H.	
06/05/1998	GRAND JURY ACTION	FID 06/05/98 G338	999
06/05/1998	GRAND JURY ACTION	ROTATION CRT 232 OFF FREQ T BND $15000	
06/05/1998	GRAND JURY ACTION	OFFENSE POSS CS PG 1 <1G LEVEL FS	
06/05/1998	ORI	HOUSTON POLICE DEPAR OFFENSE NO: 55772998	
05/05/1998	C87 ACTIVITY	BOND RSD STATUS CFI 232	998
05/05/1998	C87 ACTIVITY	PC FOUND STATUS CFI 232	999
05/05/1998	C87 ACTIVITY	PROBABLE CAUSE FOUND	
08/05/1998	DRUG EDUCATION REQUIRED	SNU: 999	
08/05/1998	SENTENCED IN	COURT 232 STARTING 08/05/98	999
08/05/1998	SENTENCE TO	2 YEARS CONFINEMENT	
08/05/1998	CREDIT GIVEN	DEFENDANT RECEIVED 62 DAYS CREDIT	
08/05/1998	DELIVERY ORDER	RETURNED EXECUTED 09/30/98	999
08/05/1998	JUDGMENT	CONVICTION	999
08/05/1998	JUDGMENT	GUILTY PLEA-NO JURY	
08/05/1998	JUDG OFFENSE	POSS CS PG 1 <1G LEVEL FS	
08/05/1998	PENALTY	TDC AMOUNT 2 YEARS	

BOOKINGS

Arrest Date	Arrest Location	Booking Date
8/5/1998 6:29:00 PM	JA00	8/5/1998 6:29:00 PM
5/4/1998 3:35:00 PM	HCTY	5/5/1998 3:39:00 AM

HOLDS

Agency Placing Hold	Agency Name	Warrant Number	Bond Amount	Offense	Hold Placed	Hold Lifted
TDC	TDC	784597	$0.00	BENCH WARRANT	4/15/1999	6/10/1999

CRIMINAL HISTORY

Case(Cause)Nbr / Status	Defendant	Filed / Booked	Ct	Defendant Status	Disposition	Bond Amt	Type of Action / Offense	Next Setting
078653501010-3Complete(C)	WEBB, JOHNNY EVERETT	6/26/1998 | 6/26/1998	232	Disposed(D)	Disposed (DISP) 8/5/1998		POSS CS PG 1 <1G (F)	8/5/1998
078207101010-3Complete(C)	WEBB, JOHNNY E.	5/4/1998 | 8/5/1998	232	Disposed(D)	Disposed (DISP) 8/5/1998	$15,000.00	POSS CS PG 1 <1G (F)	8/5/1998

ACTIVE PARTIES

Name	Connection	Post Jdgm	SPN #
IFIC-ROMEO, CLEMENT H.	BAIL BONDSMAN		74304000
PORTO, JOSEPH	HIRED DEFENSE ATTORNEY		66163010
KEEL, MARY LOU	JUDGE - CRIMINAL		61156400
WEBB, JOHNNY E.	DEFENDANT - CRIMINAL		01659694

INACTIVE PARTIES

No inactive parties found.

SETTINGS

Date	Court	Post Jdgm	Docket Type	Reason	Results	Defendant	Future Date	Comments	Attorney Appearance Indicator
5/06/1998 09:00 AM	232		Assigned Court	Preliminary Assigned Court Appearance	Reset By Operation Of Law	Data Unavailable	5/20/1998 12:00:00 AM		Absent
5/20/1998 09:00 AM	232		Master Docket	Arraignment	Reset By Operation Of Law	Data Unavailable	6/11/1998 12:00:00 AM		Present
6/12/1998 09:00 AM	232		Master Docket	Arraignment	Reset Upon Defense Request	Data Unavailable	7/7/1998 12:00:00 AM		Present
7/07/1998 09:00 AM	232		Master Docket	Disposition	Reset Upon Defense Request	Data Unavailable	8/5/1998 12:00:00 AM		Present
8/05/1998 09:00 AM	232		Master Docket	Disposition	Plea Guilty And Sentenced	Data Unavailable	1/1/0001 12:00:00 AM		Present

ALIASES

Defendant Alias	True Name	Race	Sex	DOB	SPN#
WEBB, JOHNNY E.		W	M	1/15/1970	01659694
WEBB, JOHNNY EVERETT	Yes	W	M	1/15/1970	01659694

DOCUMENTS

Number	Document	Post Jdgm	Date	Pgs
41832872	JUDGMENT-		08/05/1998	2
41832871	CHARGING INSTRUMENT - FELONY INDICTMENT		06/08/1998	2
41832873	CHARGING INSTRUMENT - FELONY INDICTMENT		06/05/1998	1
41832874	CHARGING INSTRUMENT - COMPLAINT		05/04/1998	1
41832876	CASE FILE DOCUMENTS			20

SX-1

THE STATE OF TEXAS
VS.
JOHNNY E. WEBB
7200 HILLCROFT
HOUSTON, TX

SPN: 01659694
DOB: WM 10 15 70
DATE PREPARED: 6/4/98

D.A. DOC NUMBER:431728
CJIS TRACKING NO.:9029500719-A001
BY: mkb DA NO: 668
AGENCY:HPD
O/R NO: 55772998
ARREST DATE: 5 4 98

NCIC CODE: 5599 04

RELATED CASES:

FELONY CHARGE: POSSESSION OF A CONTROLLED SUBSTANCE
CAUSE NO: 782071
HARRIS COUNTY DISTRICT COURT NO: 232
FIRST SETTING DATE:

BAIL: $10,000.00
PRIOR CAUSE NO:

WAIVER OF CONSTITUTIONAL RIGHTS, AGREEMENT TO STIPULATE, AND JUDICIAL CONFESSION

In open court and prior to entering my plea, I waive the right of trial by jury. I also waive the appearance, confrontation, and cross-examination of witnesses, and my right against self-incrimination. The charges against me allege that in Harris County, Texas, **JOHNNY E. WEBB**, hereafter styled the Defendant, on or about **MAY 4, 1998**, did then and there unlawfully, intentionally and knowingly possess a controlled substance, namely, Cocaine, weighing less than 1 gram by aggregate weight, including any adulterants and dilutants.

Before the commission of the offense alleged above, (hereafter styled the primary offense), on August 7, 1990, in Cause No. 385546D, in the 297th District Court of Tarrant County, Texas, the Defendant was convicted of the felony of unauthorized use of a motor vehicle.

Before the commission of the primary offense, and after the conviction in Cause No. 385546D was final, the Defendant committed the felony of forgery and was finally convicted of that offense on March 10, 1992, in Cause No. 24471-CR, in the 13 District Court of Navarro County, Texas.

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Unofficial Copy Office of Chris Daniel District Clerk

FILED
CHARLES BACARISSE
District Clerk

AUG 05 1998

Time: 10:45A
Harris County, Texas

By: _____ Deputy

I understand the above allegations and I confess that they are true and that the acts alleged above were committed on 5/4/98

In open court I consent to the oral and written stipulation of evidence in this case and to the introduction of affidavits, written statements, of witnesses, and other documentary evidence. I am satisfied that the attorney representing me today in court has properly represented me and I have fully discussed this case with him.

I intend to enter a plea of guilty and the prosecutor will recommend that my punishment should be set at 2 years confinement TDCJ-ID

and I agree to that recommendation. I waive any further time to prepare for trial to which I or my attorney may be entitled.

Johnny G. Walk
DEFENDANT

Sworn to and Subscribed before me on AUG 05 1998

HARRIS COUNTY DEPUTY DISTRICT CLERK

I represent the defendant in this case and I believe that this document was executed by him knowingly and voluntarily and after I fully discussed it and its consequences with him. I believe that he is competent to stand trial. I agree to the prosecutors recommendation as to punishment. I waive any further time to prepare for trial to which I or the defendant may be entitled.

JOE PORTO
DEFENDANT'S ATTORNEY (PRINT)

SIGNATURE OF DEFENDANT'S ATTORNEY

I consent to and approve the above waiver of trial by jury and stipulation of evidence

ASSISTANT DISTRICT ATTORNEY
OF HARRIS COUNTY, TEXAS

This document was executed by the defendant, his attorney, and the attorney representing the State, and then filed with the papers of the case. The defendant then came before me and I approved the above and the defendant entered a plea of guilty. After I admonished the defendant of the consequences of his plea, I ascertained that he entered it knowingly and voluntarily after discussing the case with his attorney. It appears that the defendant is mentally competent and the plea is free and voluntary. I find that the defendant's attorney is competent and has effectively represented the defendant in this case. I informed the defendant that I would not exceed the agreed recommendation as to punishment.

JUDGE PRESIDING

PLEA OF GUILTY

Unofficial Copy Office of Chris Daniel District Clerk

HCDistrictclerk.com The State of Texas vs. WEBB, JOHNNY EVERETT (SPN: 01659694) 3/7/2014

Cause: 078653501010 CDI: 3 Court: 232

APPEALS
No Appeals found.

PAYMENT PLAN
No Payment Plan found.

RELATED CASES
No related cases found.

WITNESS
No Witness found.

SUMMARY

CASE DETAILS

File Date	6/26/1998
Case (Cause) Status	Complete
Offense	POSS CS PG 1 <1G
Last Instrument Filed	Felony Indictment
Case Disposition	DISP-080598
Case Completion Date	8/5/1998
Defendant Status	DISPOSED
Bond Amount	$0.00
Next/Last Setting Date	8/5/1998

DEFENDANT DETAILS

Race/Sex	W / M	**Height/Weight**	5'11 / 189 LBS
Eyes	GRN	**Hair**	BRO
Skin	FAR	**Build**	MED
DOB	1/15/1970	**In Custody**	N
US Citizen	YES	**Place Of Birth**	TX
Address		5929 BISSONNET HOUSTON TX77081	
Markings			

COURT DETAILS

Court	232nd
Address	1201 Franklin (Floor: 16) Houston, TX 77002 Phone:7137556778
JudgeName	Mary Lou Keel
Court Type	Criminal

BONDS

Date	Type	Description	SNU
06/26/1998	BOND SET	$0	999

ACTIVITIES

Date	Type	Description	SNU/CFI
06/26/1998	COMPLAINT FILED	0403 232 POSS CS PG 1 <1G LEVEL FS	
06/26/1998	BOND SET	$0	999
06/26/1998		REVIEWED BY	
06/26/1998	ORI	HOUSTON POLICE DEPAR OFFENSE NO: 080303398 R	

06/26/1998	COMPLAINANT	PERKINS, D R	
06/26/1998	CMIF	TIME 1600 AMOUNT $0	999
06/26/1998		NOT ACKNOWLEDGED BY SHERIFF	
07/15/1998	GRAND JURY ACTION	FID 07/15/98 G339	999
07/15/1998	GRAND JURY ACTION	ROTATION CRT 232 OFF FREQ T BND $0	
07/15/1998	GRAND JURY ACTION	OFFENSE POSS CS PG 1 <1G LEVEL FS	
07/15/1998	ORI	HOUSTON POLICE DEPAR OFFENSE NO: 80303398 R	
06/26/1998	C87 ACTIVITY	PC FOUND STATUS CFI 232	999
06/26/1998	C87 ACTIVITY	PROBABLE CAUSE FOUND	
08/05/1998	DRUG EDUCATION REQUIRED	SNU: 999	
08/05/1998	SENTENCED IN	COURT 232 STARTING 08/05/98	999
08/05/1998	SENTENCE TO	2 YEARS CONFINEMENT	
08/05/1998	CREDIT GIVEN	DEFENDANT RECEIVED 42 DAYS CREDIT	
08/05/1998	DELIVERY ORDER	RETURNED EXECUTED 09/30/98	999
07/15/1998	PRECEPT/SERVE IND DATE RETURNED 07/18/98	HOW EXECUTED E	
	DATE SERVED	07/17/98	
08/05/1998	JUDGMENT	CONVICTION	999
08/05/1998	JUDGMENT	GUILTY PLEA-NO JURY	
08/05/1998	JUDG OFFENSE	POSS CS PG 1 <1G LEVEL FS	
08/05/1998	PENALTY	TDC AMOUNT 2 YEARS	

BOOKINGS

Arrest Date	Arrest Location	Booking Date
6/25/1998 8:00:00 PM	HOUS	6/26/1998 11:45:00 AM

HOLDS

Agency Placing Hold	Agency Name	Warrant Number	Bond Amount	Offense	Hold Placed	Hold Lifted
TDC	TDC	784597	$0.00	BENCH WARRANT	4/15/1999	6/10/1999

CRIMINAL HISTORY

Case(Cause)Nbr / Status	Defendant	Filed / Booked	Ct	Defendant Status	Disposition	Bond Amt	Type of Action / Offense	Next Setting
078653501010-3Complete(C)	WEBB, JOHNNY EVERETT	6/26/1998 | 6/26/1998	232	Disposed(D)	Disposed (DISP) 8/5/1998		POSS CS PG 1 <1G (F)	8/5/1998
078207101010-3Complete(C)	WEBB, JOHNNY E.	5/4/1998 | 8/5/1998	232	Disposed(D)	Disposed (DISP) 8/5/1998	$15,000.00	POSS CS PG 1 <1G (F)	8/5/1998

ACTIVE PARTIES

Name	Connection	Post Jdgm	SPN #
KEEL, MARY LOU	JUDGE - CRIMINAL		61156400

PORTO, JOSEPH	HIRED DEFENSE ATTORNEY	66163010
WEBB, JOHNNY EVERETT	DEFENDANT - CRIMINAL	01659694

INACTIVE PARTIES

No inactive parties found.

SETTINGS

Date	Court	Post Jdgm	Docket Type	Reason	Results	Defendant	Future Date	Comments	Attorney Appearance Indicator
6/29/1998 09:00 AM	232		Assigned Court	Preliminary Assigned Court Appearance	Reset By Operation Of Law	Data Unavailable	7/7/1998 12:00:00 AM		Present
7/07/1998 09:00 AM	232		Master Docket	Arraignment	Reset By Operation Of Law	Data Unavailable	8/5/1998 12:00:00 AM		Present
8/05/1998 09:00 AM	232		Master Docket	Arraignment	Plea Guilty And Sentenced	Data Unavailable	1/1/0001 12:00:00 AM		Present

ALIASES

Defendant Alias	True Name	Race	Sex	DOB	SPN#
WEBB, JOHNNY E.		W	M	1/15/1970	01659694
WEBB, JOHNNY EVERETT	Yes	W	M	1/15/1970	01659694

DOCUMENTS

Number	Document	Post Jdgm	Date	Pgs
41600224	JUDGMENT-		08/05/1998	2
41600221	CHARGING INSTRUMENT - FELONY INDICTMENT		07/15/1998	1
41600225	CHARGING INSTRUMENT - COMPLAINT		06/26/1998	1
41600229	CASE FILE DOCUMENTS			16

SX-1

THE STATE OF TEXAS
VS.

JOHNNY EVERETT WEBB
5929 BISSONNET #119
HOUSTON, TX 7081

SPN: **01659694**
DOB: **WM 1 15 70**
DATE PREPARED: **7/14/98**

D.A. LOG NUMBER: **443241**
CJIS TRACKING NO.: **9029617152-A001**
BY: **mkb** DA NO: **720**
AGENCY: **HPD**
G/R NO: **80303398-R**
ARREST DATE: **6 25 98**

NCIC CODE: **5599 04**

RELATED CASES:

FELONY CHARGE: **POSSESSION OF A CONTROLLED SUBSTANCE**
CAUSE NO: **786535**
HARRIS COUNTY DISTRICT COURT NO: **232**
FIRST SETTING DATE:

BAIL: **$NO BOND**
PRIOR CAUSE NO:

WAIVER OF CONSTITUTIONAL RIGHTS, AGREEMENT TO STIPULATE, AND JUDICIAL CONFESSION

In open court and prior to entering my plea, I waive the right of trial by jury. I also waive the appearance, confrontation, and cross-examination of witnesses, and my right against self-incrimination. The charges against me allege that in Harris County, Texas, **JOHNNY EVERETT WEBB**, hereafter styled the Defendant, heretofore on or about **JUNE 25, 1998**, did then and there unlawfully, intentionally and knowingly possess a controlled substance, namely, Cocaine, weighing less than 1 gram by aggregate weight, including any adulterants and dilutants.

Before the commission of the offense alleged above, (hereafter styled the primary offense), on May 9, 1988, in Cause No. 22849, in the 13th District Court of Navarro County, Texas, the Defendant was convicted of the felony of robbery.

Before the commission of the primary offense, and after the conviction in Cause No. 22849 was final, the Defendant committed the felony of burglary and was finally convicted of that offense on March 10, 1992, in Cause No. 00-00-24433-CR, in the 13th District Court of Navarro County, Texas.

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Unofficial Copy Office of Chris Daniel District Clerk

FILED
CHARLES BACARISSE
District Clerk
AUG 05 1998
Time: 10:15A
Harris County, Texas
By: _____ Deputy

I understand the above allegations and I confess that they are true and that the acts alleged above were committed on

June 25, 1998

In open court I consent to the oral and written stipulation of evidence in this case and to the introduction of affidavits, written statements, of witnesses, and other documentary evidence. I am satisfied that the attorney representing me today in court has properly represented me and I have fully discussed this case with him.

I intend to enter a plea of guilty and the prosecutor will recommend that my punishment should be set at

2 years confinement TDCJ-ID

and I agree to that recommendation. I waive any further time to prepare for trial to which I or my attorney may be entitled.

DEFENDANT

Sworn to and Subscribed before me on AUG 05 1998

HARRIS COUNTY DEPUTY DISTRICT CLERK

I represent the defendant in this case and I believe that this document was executed by him knowingly and voluntarily and after I fully discussed it and its consequences with him. I believe that he is competent to stand trial. I agree to the prosecutors recommendation as to punishment. I waive any further time to prepare for trial to which I or the defendant may be entitled.

JOE PORTO
DEFENDANT'S ATTORNEY (PRINT)

SIGNATURE OF DEFENDANT'S ATTORNEY

I consent to and approve the above waiver of trial by jury and stipulation of evidence

ASSISTANT DISTRICT ATTORNEY
OF HARRIS COUNTY, TEXAS

This document was executed by the defendant, his attorney, and the attorney representing the State, and then filed with the papers of the case. The defendant then came before me and I approved the above and the defendant entered a plea of guilty. After I admonished the defendant of the consequences of his plea, I ascertained that he entered it knowingly and voluntarily after discussing the case with his attorney. It appears that the defendant is mentally competent and the plea is free and voluntary. I find that the defendant's attorney is competent and has effectively represented the defendant in this case. I informed the defendant that I would not exceed the agreed recommendation as to punishment.

JUDGE PRESIDING

PLEA OF GUILTY

Unofficial Copy Office of Chris Daniel District Clerk

APPENDIX 31

BILLING STATEMENT

10840 ROCKLEY ROAD
HOUSTON, TEXAS 77099
PH: (281) 530-0202
FAX: (281) 530-9143

Ultimate Diver Training

Student Name: WEBB, JOHNNY

Student ID: UDT285-27

Billed Charges	
04/30/1998 Tuition	$10,500.00
Credits	
05/18/1998 Drop	$ 8,910.00
REMAINING BALANCE	**$ 1,590.00**

Please Remit Payment To:

The Ocean Corporation
10840 Rockley Rd
Houston, TX 77099

The Ocean Corporation

Student Data Sheet

Student Records

Name: WEBB, JOHNNY **SSN:** 456-69-2792

Class Information

Class: UDT285 **Student#:** 27 **# Action Forms:** 1 **Status:** DRP Dropped

Application Date: 21-Apr-1998 **Deposit Amount:** $0.00
Registration Date: 21-Apr-1998 **Payment Method:** WAIVED LJ
Graduation Date:

Medical Evaluation: Y **Medical Exam:** **Bank Letter:** X **I-20:** X **I-20 In House:**
TOUR Certified: Y **Paid in Full:**

CPAT Scores

Language - 54
Reading - 54
Numeric - 47
Overall - 55

Diploma/Transcript:
Academic Transcripts Requested:
Academic Transcripts Received:
Academic Transcripts Not Received:
Previous Education:
Rec of Pol:

The Ocean Corporation

Student Data Sheet

Student Demographics

Name: WEBB, JOHNNY **SSN:** 456-69-2792

Address

[redacted]

Phone: **Ext:**

Country:

Local Address

Phone: **Ext:**

Date of Birth: 15-Jan-1970 **Age:** 28 **Sex:** M **U.S. Citizen:** Y **Source:** OTR

Military Service: **Drivers License:** [redacted] **Race:**

Emergency Contact

Name **Home Phone** **Work Phone**

Initial Employer

Phone:

Date Employed:

Initial Wage:

Current Employer

Date Verified:

TEA Code:

27-Mar-2014
3:11 PM

The Ocean Corporation
Student Action Form
UDT285

Student: WEBB, JOHNNY **SSN:** 456-69-2792

Date of Action: 07-May-1998 **Last Day of Attendance:**

Type of Action: DRP Drop

Drop/Withdraw Code: JB Incarceration

Action Taken By: DON FAST **Approved By:**

Reason/Comment: MR WEBB HAS BEEN PUT BACK IN JAIL AND HAS NOW MISSED TO MUCH OF THE NDT MODULE TO CONTINUE.

27-Mar-2014
3:24 PM

The Ocean Corporation

Attendance Lookup Report

WEBB, JOHNNY UDT285

Class Date	AM	PM	Class Date	AM	PM	Class Date	AM	PM	Class Date	AM	PM
20-Apr-1998	P	P									
21-Apr-1998	P	P									
22-Apr-1998	P	P									
23-Apr-1998	P	P									
27-Apr-1998	A	A									
28-Apr-1998	P	P									
29-Apr-1998	P	P									
30-Apr-1998	P	P									
04-May-1998	P	P									
05-May-1998	A	A									
06-May-1998	A	A									
07-May-1998	A	A									

27-Mar-2014
3:17 PM

The Ocean Corporation

10840 Rockley Road
Houston, TX 77099
1-800-321-0298

Academic Transcript

Name: WEBB, JOHNNY **DOB:** 15-Jan-1970 **SSN:** 456-69-2792
Address: 5929 BISSONETT #117 HOUSTON, TX
Program: Ultimate Diver Training **Clock Hours of Program:** 944 **GPA:** 54.33
Start Date: 20-Apr-1998 **Graduation Date:** **Class Number:** UDT285

FIRST AID		MT 2 GENERAL	
FIRST AID PRACTICAL		MT 2 SPECIFIC	
CPR		MT 2 AVERAGE	
CPR PRACTICAL		UT 1 GENERAL	
RIGGING		UT 1 SPECIFIC	
RIGGING PRACTICAL		UT 1 AVERAGE	
BASIC PHYSICS & PHYSIOLOGY		UT 2 GENERAL	
DECOMPRESSION PROCEDURES		UT 2 SPECIFIC	
TREATMENTS		UT 2 AVERAGE	
SCUBA			
SCUBA PRACTICAL			
BASIC TENDING & DIVING			
BASIC TENDING & DIVING PRACTICAL			
MIDTERM			
MIXED GAS			
MIXED GAS PRACTICAL			
BELL SATURATION			
WELDING & BURNING			
WELDING & BURNING PRACTICAL			
CONTAMINATED			
DIVING SECTION FINAL			
PT GENERAL	75		
PT SPECIFIC	80		
PT AVERAGE	77		
MT 1 GENERAL	43		
MT 1 SPECIFIC	20		
MT 1 AVERAGE	31		

School Official

Date

APPENDIX 32

NAVARRO COLLEGE
3200 WEST 7th AVENUE
CORSICANA, TX 75110

THIS COPY FOR STUDENT'S RECORDS.
RETURN BOTTOM PORTION ONLY.

Billing questions: 903-875-7323
or
903-874-6501

STUDENT'S NAME

Johnny E. Webb
[redacted]

Student Receivable

ACCOUNT NO.	DATE	PAGE
0225638	03/25/14	

DATE	DESCRIPTION	CODE	REFERENCE NO	CHARGES	CREDITS
08/07/07	Payment - Thank You	GEN	000172075		90.00
09/01/07	Tuition - Cont. Ed. Fund	TCF		115.50	
10/24/07	Payment - Thank You	GEN	000180916		25.50
02/04/08	Payment - Thank You	GEN	000189579		132.00
09/17/12	Tuition and Fees	TFEE	V0351973	132.00	
08/27/10	Payment - Thank You	GEN	000268907		647.00
08/30/10	Fee - Building Use	FBU		61.20	
08/30/10	Fee - Matriculation	FMT		11.00	
08/30/10	Fee - Vehicle Registrati	FVR		10.00	
08/30/10	Lab - Industrial Technol	LIT		11.40	
08/30/10	Tuition - In District	TID		115.20	
09/17/12	Tuition and Fees	TFEE	V0351972	438.20	
	Total:			894.50	894.50
0	1 - 60 Days 61 - 90 D		...	> 90 D	
-- --		-			---
00	0.00 0	0	0		.00

AMOUNT DUE	W	0.00

NAVARRO COLLEGE
Attn: Cashier's Office
3200 WEST 7th AVENUE
CORSICANA, TX 75110

Johnny E. Webb
[redacted]

TO ENSURE PROPER CREDIT TO YOUR ACCOUNT,
RETURN THIS PORTION OF STATEMENT WITH REMITTANCE.

Student Receivable

ACCOUNT NO.	DATE	CHARGES
0225638	03/25/14	0.00

MAKE CHECK
PAYABLE TO
NAVARRO COLLEGE

AMOUNT DUE	W	0.00
AMOUNT ENCLOSED	W	

Cashier Myrna L Cook | Session 14832

Date 10/24/07 | Receipt No 000180916 | Batch

Payer ID/Name 0225633 | Johnny E. Webb | Payment Transfer

	AR Account Holder	AR Type	Term	Tfr	Amount
1	Johnny E. Webb	01 St	07/Q1	No	25.50

	Non AR Receipt Code	Location	Amount
1			

	Deposit Account Holder	Dep Type	Term	Tfr	Amount
1					

Convenience Fees 0.00 | Total Payments 25.50

Distribution GEN Payment - Thank You

	Pay Method	Control Number	Confirmation Number	Amount
1	CK CHECK	5108	Charles Pearce Jr	25.50

Cash 0.00

Change Returned 0.00 | Total Received 25.50

Receipt Print Dates 1 10/24/07 | Comments

Reversed/Reason No | Reversal No

Cashier Sara J Hill | Session 15546

Date 02/04/08 | Receipt No 000189679 | Batch.

Payer ID/Name 0225638 Johnny E Webb | Payment Transfer

	AR Account Holder	AR Type	Term	Tfr	Amount
1	Johnny E Webb	01 St	03/02	No	132.00

	Non AR Receipt Code	Location	Amount
1			

	Deposit Account Holder	Dep Type	Term	Tfr	Amount
1					

Convenience Fees 0.00 | Total Payments 132.00

Distribution GEN Payment - Thank You

	Pay Method	Control Number	Confirmation Number	Amount
1	CK CHECK	5413	Charles Pearce	132.00
			Cash	0.00

Change Returned 0.00 | Total Received 132.00

Receipt Print Dates 1 02/04/08 | Comments

Reversed/Reason No | Reversal No

APPENDIX 33

REPRODUCED FROM THE HOLDINGS OF THE TEXAS STATE ARCHIVES

4

71544

NO. 00-00-24467-CR

THE STATE OF TEXAS	*	IN THE 13TH JUDICIAL DISTRICT
	*	
VS.	*	OF
	*	
CAMERON TODD WILLINGHAM	*	NAVARRO COUNTY, TEXAS

STATEMENT OF FACTS

Volume II of 16 Volumes

PRETRIAL MOTIONS HEARING

ORIGINAL

A P P E A R A N C E S:

Mr. John H. Jackson
Asst. Criminal District Attorney
Navarro County, Texas
Courthouse, Third Floor
300 W. Third Avenue
Corsicana, Texas 75110

For the State of Texas;

Mr. David H. Martin
Attorney at Law
DAWSON, SODD, MOE & MARTIN
800 Ferris Avenue, Suite 200
Waxahachie, Texas 75165

For the Defendant.

FILED IN
COURT OF CRIMINAL APPEALS
NOV 23 1992
Thomas Lowe, Clerk

On the 24th day of July, 1992, the above and entitled cause came on to be heard in the said Court, Honorable Kenneth A. "Buck" Douglas, Judge Presiding, and the following proceedings were had, to wit:

REPRODUCED FROM THE HOLDINGS OF THE TEXAS STATE ARCHIVES

I N D E X

VOLUME II

	PG. NO.
Caption Page	1
Indictment Read	2
Rule 404(b) Request (Granted)	4
Motion for Disclosure of Favorable Evidence(1-8 Granted)	6
Motion for Discovery of Punishment Evidence(Granted)	11
Motion to Instruct the Court Reporter(Granted)	12
Election of the Jury to Assess Punishment	12
Motion Invoking the Witness Rule(Granted)	12
Motion to List State's Witnesses(Granted)	13
Motion for Discovery and Inspection(1-14 Granted)	13
Motion for Removal of Handcuffs(Granted)	21
Reporter's Certificate	22

REPRODUCED FROM THE HOLDINGS OF THE TEXAS STATE ARCHIVES

2

1 problem. I think we will do that by Tuesday. I intend to
2 Xerox you all a copy of all matters related to extraneous
3 offenses in the case.
4 MR. MARTIN: All right.
5 THE COURT: The next one -- that Motion is
6 granted. The next Motion is for Disclosure of Favorable
7 Evidence.
8 MR. MARTIN: Your Honor, for the record, it's my
9 understanding, from Mr. Jackson, that he has already made
10 available to me the complete prosecution file, which includes
11 police offense reports, statements of witnesses, video tapes
12 made by investigative agencies, as well as photographs made by
13 investigative agencies, pathologist report, forensic reports,
14 fire marshal's reports. And I understand, from Mr. Jackson,
15 that he has either given me -- or will today or early next
16 week give to me all of the evidence in the State's file. Did
17 I understand that correctly?
18 MR. JACKSON: That's correct. And that file is
19 available to you for inspection and copying of any material
20 within that file, other than privileged information and those
21 matters that are generally considered work product. Any
22 offense reports, reports of scientific tests and experiments,
23 photographs, certainly those are available and will be
24 available for your inspection.
25 MR. MARTIN: Additionally, for the record, Mr.

REPRODUCED FROM THE HOLDINGS OF THE TEXAS STATE ARCHIVES

1 Jackson has made available to me interviews of the State's
2 witnesses; and I have either interviewed those witnesses or I
3 understand that Mr. Jackson will make arrangements for me to
4 do so either today or next week. Is that correct, as well?
5 MR. JACKSON: With regard to the witness that we
6 have earlier discussed today, certainly, he will be available
7 today for your interview. If you wish to interview any other
8 witnesses, especially today or next week, I'll be more
9 specific about who those witnesses are so we might can arrange
10 to have them available for you.
11 MR. MARTIN: All right. I just want to make it
12 clear for the record, though, that the State is making
13 available to the Defense an interview with all of the State's
14 witnesses.
15 MR. JACKSON: That's correct.
16 MR. MARTIN: Now specifically with regard to the
17 Motion, Your Honor, in paragraph 1, we ask for information in
18 the State's file that's favorable to the defendant or might be
19 useful to the defendant. I don't know whether there's an
20 objection to that one or not.
21 MR. JACKSON: No objection. I don't know of
22 anything that would be favorable to the defendant at this
23 point. Certainly, that would fall into the category of a
24 Brady-type function. I don't know of any evidence that's
25 available to the State or in the possession of the State or

REPRODUCED FROM THE HOLDINGS OF THE TEXAS STATE ARCHIVES

1 that the State knows about. Certainly, I think we'd be under
2 a duty to disclose that type of information, should we be in
3 the possession of any.
4 MR. MARTIN: Is that one granted, then, Your
5 Honor?
6 THE COURT: It's granted.
7 MR. MARTIN: No. 2 is oral information of the
8 Prosecutor's knowledge inconsistent with the guilt of the
9 defendant or that's relevant to punishment.
10 MR. JACKSON: We would be happy to furnish any
11 such information, but we know of no such evidence at this
12 point.
13 MR. MARTIN: Is that one granted, then?
14 THE COURT: Granted.
15 MR. MARTIN: No. 3, the names of witnesses whose
16 testimony supports or raises a defensive issue which may
17 reasonably arise at trial.
18 MR. JACKSON: The State has no knowledge of
19 any testimony which would raise any defensive issue which
20 would reasonably arise at trial. Should the State come into
21 possession of such evidence, it would immediately be
22 disclosed.
23 THE COURT: Granted.
24 MR. MARTIN: No. 4, the testimony of witnesses
25 that conflicts with the statement of any witness that the

REPRODUCED FROM THE HOLDINGS OF THE TEXAS STATE ARCHIVES

1 Prosecution intends to introduce.

2 MR. JACKSON: This -- I guess I wonder exactly

3 how far this particular matter goes. I've never been, you

4 know, involved in any case in my trial where there was not

5 some conflict or inconsistency, at least of a minor nature.

6 I know -- I know that the testimony which conflicts, as far as

7 any matter that I would consider relevant or material to the

8 case, although I have some reservations about saying that

9 there are no conflicting statements or evidence in the case.

10 Certainly, I know of no conflicts of any material nature such

11 as might affect the outcome of the case.

12 MR. MARTIN: Primarily, what we are requesting is

13 the identification of witnesses known to the State whose

14 testimony would conflict with the witness they intend to

15 offer.

16 MR. JACKSON: I know of no such witness that

17 would -- whose testimony would conflict on any material or

18 relevant matter.

19 THE COURT: To that extent, it's granted.

20 MR. MARTIN: And I also understand, Mr. Jackson,

21 that you have given to me or will give to me the name of any

22 witness that the State knows of who is a witness to the

23 alleged offense. Is that my understanding?

24 MR. JACKSON: Excuse me (coughed) -- that is

25 correct.

REPRODUCED FROM THE HOLDINGS OF THE TEXAS STATE ARCHIVES

1 MR. MARTIN: No. 5, witnesses whose testimony
2 concerns the character and reputation of any witness for the
3 Prosecution that would be adverse to the credibility of that
4 witness. In other words, witnesses that the State knows of
5 who could impeach a witness that they are going to present.
6 MR. JACKSON: The State knows of none at this
7 point. I'm not sure that we're going to be under any duty to
8 disclose that type of information. I'm certainly not aware of
9 any witness who would be able to impeach a witness who we
10 intend to call.
11 MR. MARTIN: If one comes to your knowledge,
12 would you agree to disclose the identification--
13 MR. JACKSON: For purposes of this -- I think I
14 would not generally do that in most cases, but I will in this
15 case.
16 THE COURT: It's granted as -- as what's
17 contained in the record, what you all are trying to do.
18 MR. MARTIN: No. 6, evidence affecting the
19 credibility of the Prosecution witnesses, including prior
20 convictions, dishonorable discharges, or prior history of
21 mental illness or psychiatric treatment.
22 MR. JACKSON: We'll disclose, if we know about
23 it. I don't think we're under a duty to make investigation of
24 these witnesses to ascertain that material. If we -- if we
25 have any knowledge of it that reasonably comes into our

REPRODUCED FROM THE HOLDINGS OF THE TEXAS STATE ARCHIVES

1 possession, we'll disclose it.

2 THE COURT: To that extent, it's granted.

3 MR. MARTIN: No. 7, nontestimonial evidence which

4 conflicts with the testimony of any of the State's witnesses

5 or tends to negate the State's theory.

6 MR. JACKSON: I have no objection to that, Your

7 Honor.

8 THE COURT: Do what?

9 MR. JACKSON: I have no objection to that.

10 THE COURT: Okay; granted.

11 MR. MARTIN: And No. 8, we are requesting a

12 continuing Order requiring the Prosecution to disclose the

13 existence of nonprivileged evidence presently known; and upon

14 discovery of same, either prior to or during the trial of the

15 Cause, that it be revealed to the Defense.

16 MR. JACKSON: I think my previous statements I'll

17 allow to stand at this point; any nonprivileged evidence

18 presently known to us, I don't have any problem with

19 disclosing.

20 THE COURT: It's granted.

21 MR. MARTIN: All right. Your Honor, the next

22 Motion that we have is a Motion for Discovery of Punishment

23 Evidence. The names of witnesses or identification of

24 tangible evidence related to any unajudicated offenses which

25 the State intends to offer at Punishment Hearing. And then

APPENDIX 34

4-3-00 Def. [illegible] Judge Jackson 4-3-00 [illegible]

"MOTION TO RECANT TESTIMONY"

NOW COMES, JOHNNY E. WEBB, TO THE HONORABLE COURT OF THE 13TH DISTRICT COURT OF NAVARRO COUNTY, AND TO THE HONORABLE DISTRICT COURT JUDGE JOHN JACKSON.

I COME NOW TO SAID COURT AND RESPECTFULLY REQUEST THAT TESTIMONY GIVEN IN THE WILLINGHAM CAPTIAL MURDER CASE BY, "MR. JOHNNY E. WEBB," BE MADE NULL AND VOID. I, JOHNNY E. WEBB, WISH TO WITHDRAW AND RECANT ALL TESTIMONY GIVEN IN SAID TRIAL.

I AM GIVEN NO OTHER CHOICE BUT TO MAKE THIS MOTION TO RECANT TESTIMONY AT THIS TIME. I WAS FORSED TO TESTIFY AGAINST MR. WILLINGHAM BY THE D.A.'S OFFICE AND OTHER OFFICALS. I WAS MADE TO LIE. MR. WILLINGHAM IS INNOCENNT OF ALL CHARGES.

SUBMITT THIS MOTION TO RECANT TO THE COURT FOR THE SOONEST POSSIBLE CONSIDERATION.

RESPECTFULLY SUBMITTED
THIS 30TH DAY OF MARCH
[illegible]

LEGAL MAIL

JOHNNY E. WEBB #626256
JAMES V. ALLRED.
2101 FM. 369 N.
IOWA PARK, TX. 76367-6568

NAVARRO COUNTY COURTHOUSE CORSICANA.
13TH DISTRICT COURT D.A.'S OFFICE CLER
300 WEST 3RD AVE.
CORSICANA, TX 75110

3-30-00 SEALED

LEGAL MAIL

APPENDIX 35

THE STATE OF TEXAS *
*
COUNTY OF McLENNAN *

AFFIDAVIT OF WALTER M. REAVES, JR.

BEFORE ME, the undersigned authority, on this day personally appeared WALTER M. REAVES, JR., who on her oath states as follows:

My name is Walter M. Reaves, Jr. I am over twenty-one years of age, competent to make this affidavit, and have personal knowledge of the facts stated herein.

I am attorney, having been licensed to practice law by the State of Texas of 1980. My practice is focused on criminal defense, with a substantial portion being devoted to post-conviction litigation in both state and federal courts. In addition to my private practice I currently am an adjunct professor at Baylor Law School, where I teach appeals and habeas corpus.

I represented Cameron Todd Willingham in his post-conviction proceedings, having been appointed to do so by the Texas Court of Criminal Appeals. During the course of my representation I filed applications for writs of habeas corpus in both State and Federal Courts, and pursued to appeals to the United States Court of Appeals for the Fifth Circuit and United States Supreme Court. I also represented Mr. Willingham in presenting a request for commutation and request for reprieve to the governor's office and Texas Board of Pardon Paroles.

During the course of my representation I became aware of Johnny Webb, who testified at trial. I personally interviewed Mr. Webb, and he confirmed his trial testimony. I now know that Mr. Webb filed a declaration of recantion. I was not aware that such a notice had been filed before Mr. Willingham's execution. A copy was not sent to me by any person, nor was I informed by any source that such a document had been executed. Had I been aware of such document I would have included that in the court filings I submitted, as well as the material I submitted to the Board of Pardons and Paroles and the governor's office.

WALTER M. REAVES, JR.

APPENDIX 36

Send copy to Gov.

BEFORE THE GOVERNOR OF THE STATE OF TEXAS
AND
THE TEXAS BOARD OF PARDONS AND PAROLES

on BD P.P.

IN RE

CAMERON TODD WILLINGHAM

Petitioner

APPLICATION/PETITION FOR A NINETY-DAY REPRIEVE FROM THE EXECUTION OF HIS DEATH SENTENCE AND FOR COMMUTATION OF SENTENCE TO IMPRISONMENT FOR LIFE

Walter M. Reaves, Jr.
Attorney at Law
P.O. Box 55
West, Texas 76691
(254) 826-3713
(254) 826-5572 — Facsimile
State Bar No. 16644200
E-mail: wmreaves@postconviction.com

January 26, 2004

THIS IS A CAPITAL CASE

MR. WILLINGHAM WAS CONVICTED IN NAVARRO COUNTY, TEXAS AND IS SET TO BE EXECUTED ON FEBRUARY 17, 2004

I.

PROCEDURAL HISTORY

Petitioner was charged by indictment issued by the Navarro County Grand Jury with the offense of capital murder. Petitioner entered a plea of not guilty, and jury selection commenced on August 10, 1992 in the 13th District Court of Navarro County, Texas, the Honorable Kenneth A. Douglass, presiding. Trial commenced on August 19, 1992 and concluded on August 20, 1992 when Petitioner was found guilty. Punishment was subsequently assessed death, in accordance with the jury's answers to the special issues.

Petitioner appealed to the Texas Court of Criminal Appeals. His conviction and sentence were affirmed in a published opinion, delivered on March 22, 1995, *Willingham v. State*, 897 S.W.2d 351 (Tex. Crim. App. 1995), *cert. denied* 516 U.S. 946 (1995). Following an unsuccessful Motion for Rehearing, a Petition for Writ of Certiorari to the United States Supreme Court was denied. Petitioner subsequently filed an application for writ of habeas corpus in the trial court on December 11, 1996. Without a hearing, the trial court entered findings of fact and conclusions of law on August 28, 1997, and recommended that relief be denied. The Texas Court of Criminal Appeals followed that recommendation, and denied the application for writ of habeas corpus on October 31, 1997. Petitioner then filed another petition for writ of certiorari, which was denied. 524 U.S. 917 (1998)

Following the exhaustion of his state remedies, Petitioner filed an Application for Writ of Habeas Corpus in the United States District for the Northern District of Texas. Without a hearing, the Court denied relief on December 31, 2001. *Willingham v. Johnson*, 2001 WL 1677023 (N.D. Tex.) Petitioner sought an Application for a Certificate of Appealability which was denied. Petitioner then took his appeal to the United States Court of Appeals for the Fifth

Circuit, and sought a certificate of appealability from that court. The court denied the certificate of appealability, and affirmed the denial of relief, in an unpublished opinion delivered on February 17, 2003. Petitioner then filed a petition for writ of certiorari in the United States Supreme Court, which was denied on November 3, 2003.

II.

FACTUAL SUMMARY

Petitioner was charged with the death of his three children, in a house fire. According to the state, Petitioner intentionally set the fire by pouring a combustible liquid throughout the house. The state's case against Petitioner was largely circumstantial. They relied on Petitioner's behavior following the fire, as well as his refusal to go back into the house to get his three children. They also relied on his behavior following the fire, when he and his wife went to the house to clean up. The state also presented testimony from a jail inmate, who testified Petitioner admitted setting the fire.

Some of the more significant evidence was not presented at trial. Petitioner had a witness available to testify, James McNally, who was in jail with petitioner and the inmate who testified against him. (Johnny Webb). McNally was prepared to testify that Webb was threatened, and he believed was not being truthful about what petitioner had told him. The judge would not allow the testimony. There was also evidence that petitioner's wife had a $10,000.00 insurance policy on the children, which she collected on after petitioner was indicted. She used the money almost immediately to purchase a truck. Additionally, there was a witness who could have testified that petitioner's wife told her that having three children had caused her nothing but trouble. This evidence was not presented by petitioner's lawyers.

Petitioner had two felony convictions, one for second degree burglary in Oklahoma, and the other for larceny. He also had several misdemeanor convictions, including carrying a concealed weapon, public intoxication, driving under the influence of liquor, and contributing to the delinquency of a minor. The state also offered evidence Petitioner was verbally and physically abusive toward his wife, even though she denied it. Finally, the state offered expert testimony through Dr. James Griggson, that Petitioner was likely to be a threat in the future, and that rehabilitation was not likely.

III.

THE ACTUAL DECISION TO IMPOSE THE DEATH PENALTY IN THIS CASE HAS NOT BEEN REVIEWED BY ANY COURT NOR HAS ADDITIONAL EVIDENCE OF INNOCENCE

It is now clear that there is appellate review of a death sentence in Texas. While the Court can still determine whether the first issue is supported by the evidence, a determination of whether a life or death sentence should be imposed is not subject to any appellate review. There is no procedure in place for the jury to specify what mitigating circumstances it may find to exist, or what aggravating circumstances it may find. In short, neither a trial judge nor an appellate court have any way of determining what the jury's decision is based on. As a result, there is no way to determine whether the jury's findings are supported by the evidence, or whether the decision was arbitrary or capricious. That decision should be made before a death sentence is carried out, and it is up to this board to do so.

There are two parts to any death penalty decision. One is the eligibility decision, and the other is the selection decision. Under the current Texas Scheme, the court only reviews the eligibility decision. If the evidence is sufficient to establish a defendant's eligibility for the death

sentence, the sentence is affirmed. There is no review of the selection decision, which Petitioner suggests is the current vice in the Texas Statute. Thus, there is no check on a jury's arbitrary or capricious decision to impose the death penalty in Texas. Because the Court will not review the jury's ultimate decision to impose the death penalty, there is no remedy for a sentence which the Court may feel is arbitrary or freakish. As a result, a defendant may be sentenced to life or death by different jurors, based on the same evidence.

Petitioner suggests the lack of appellate review was particularly significant in this case, and for that reason such review must be conducted by this board. There were a number of mitigating factors favoring Petitioner. While petitioner did not have a stellar record as a juvenile, he did attempt to better things. Petitioner believes letter will be submitted to the Board from a former judge in Oklahoma, as well as his former juvenile probation. Both those individuals have valuable information that should be considered before any decision is made. Additionally, petitioner suggests the lack any strong evidence tying petitioner to the murder is a mitigating factor that should be considered by someone. While a jury has determined guilt beyond a reasonable doubt, petitioner suggests that decision was made on less than all the available evidence. When the decision is as significant as the one here, petitioner suggests any doubt should be resolved in his favor. The evidence in this case is exactly the type of evidence that is conducive to wrongful convictions, namely jailhouse testimony, and circumstantial evidence that can be interpreted in more than one way. If nothing else, petitioner suggests the board should allow petitioner additional time to develop any evidence of innocence.

IV.

REQUESTED RELIEF

In light of the above, and with the additional arguments below, Mr. Willingham requests the following relief be granted:

A Mr. Willingham requests an interview with a member of the board. TEX. ADMIN. CODE tit. 37 § 143.57(e)

B. At least a 30 day reprieve pursuant to TEX. ADMIN. CODE tit. 37 § 143.41 is requested.

C. Pursuant to TEX. ADMIN. CODE tit. 37 § 143.42 (West 1999), an additional 60 day reprieve is requested to allow the Supreme Court of the United States adequate time to consider the legal issues raised by this matter. Pursuant to Code, the following information is provided ***in bold italics***:

VIII.

ADDITIONAL INFORMATION

1. The name of the applicant, together with any other pertinent identifying information

   Cameron Todd Willingham, TDC No. 041.

2. Identification of the applicant's agents, if any, who are presenting the application.

   Walter M. Reaves, Jr., Attorney at Law, P.O. Box 55, West, Texas 76691. State Bar Number 16644200.

3. Certified copies of the indictment, judgment, verdict of the jury, and sentence in the case, including official documentation verifying the scheduled execution date, if said information is not contained in the sentence.

   Attached as Exhibit "A". Applicant has only copied the Order Setting Execution Date, which contains the information requested above, but will provide further information upon request, if necessary.

4. A brief statement of the offense for which the prisoner has been sentenced to death

This is found in the Application under Roman Numeral II.

A brief statement of the appellate history of the case, including its current status.

This is found in the Application under Roman Numeral I.

5. A brief statement of the legal issues which have been raised during the judicial progress of the case.

1) Petitioner has alleged that he was denied the right to represent himself on appeal, which he requested after it became apparent that his lawyer was not going to diligently pursue the appeal by not raising a number of meritorious issues. Petitioner has alleged he did not received the effective assistance of counsel on appeal. Counsel failed to raise a number of issues that could have resulted in the reversal of his conviction. Those issues included the erroneous granting of two challenges for cause, the refusal to allow petitioner to fully question jurors, the erroneous introduction of hearsay testimony, and the erroneous introduction of expert testimony, as well as allowing the improper impeachment of one of petitioner's character witnesses. to 2) Petitioner has alleged the Texas death penalty statute is unconstitutional because it does not provide for review of the jury's decision to impose the death penalty. 3) Petitioner has also alleged error in the failure to provide jurors with information correct information concerning parole, which was that if petitioner was sentenced to life in prison he would not be eligible for parole until he served 35 years.

6. The requested length of duration of the reprieve, which shall be in increments of 30 days that is, 30, 60, 90, etc., unless a different duration is requested upon the basis of the grounds for the application set forth pursuant to paragraph (8) of this section.

Mr. Willingham requests a 90 day reprieve.

7. All grounds upon the basis of which the reprieve is requested; provided that such grounds shall not call upon the board to decide technical questions of law which are properly presented via the judicial process.

There are two main reasons for granting a reprieve in this case. The most significant is to allow petitioner to develop evidence of his actual innocence, or at a minimum evidence of prosecutorial misconduct. On the most significant pieces of evidence against petitioner came from a jailhouse informant, Johnny Webb. Petitioner has reason to believe that Webb's testimony was false, and was the product of prosecutorial

misconduct. Petitioner has located a witness who can testify as to how Webb was coached in his testimony. Petitioner also has reason to believe that upon being released from prison Webb was provided with a car. Petitioner has been unable to develop this information earlier because of a limitation on funds. Additionally, Webb has only recently been open to talking about really happened. The second reason is the pending attack on the legality of the method Texas uses to execute prisoners. A civil rights suit has been filed on behalf of all prisoners with pending execution dates. Petitioner suggests it is as substantive, legitimate, issue, that deserves to be developed.

8. A brief statement of the effect of the prisoner's crime upon the family of the victim.

Counsel for Mr. Willingham is unaware of any written victim impact statement although there may well be one in the records which are not generally considered public. Petitioner would note that the family of the victims in this case includes petitioner's family, which include his parents who have lost their grandchildren. Petitioner has been advised that his ex-wife, and mother of the victims, supports him, and does not believe he committed this offense. As such, she also believes he should not be executed.

D. Mr. Willingham requests that his sentence be commuted to life imprisonment.

Respectfully submitted,

Walter M. Reaves, Jr.
P.O. Box 55
West, Texas 76691
(254) 826-3713
(254) 826-5572 -- Facsimile
State Bar No. 16644200

APPENDIX 37

NAVARRO COUNTY

JOHN H. JACKSON
JUDGE, 13TH JUDICIAL DISTRICT COURT
NAVARRO COUNTY COURTHOUSE
P.O. BOX 333
CORSICANA, TEXAS 75151-0333

DIXIE FINCHER
COURT COORDINATOR
(903) 654-3020

LESLIE KIRK
OFFICIAL REPORTER
(903) 654-3022

COPY

February 5, 2004

The Office of the Governor of the State of Texas *SENT VIA FAX (512) 467-0945*
General Counsel Division
P.O. Box 12428
Austin, Texas 78711

Ms. Maria Ramirez *SENT VIA FAX (512) 463-1932*
The Texas Board of Pardons and Paroles
Executive Clemency Section
P.O. Box 12438
Austin, Texas 78711

Re: Application for Reprieve and Commutation of Sentence filed by Cameron Todd Willingham

Dear Chief Counsel and Ms. Ramirez,

I have received a copy of the referenced application from the Criminal District Attorney of Navarro County. Because I was lead State's trial counsel in this case, it seems proper for me to comment on certain issues raised in the application. This correspondence will not address legal issues which I trust have been fully examined by the Appellate Courts on direct appeal and in the course of habeas proceedings. Willingham's application raised several issues which may be termed "fundamental fairness" matters in Section VIII, part 7. I will address these separately.

> PROSECUTORIAL MISCONDUCT. The application alleges that the testimony of Webb, a prosecution witness, was false, the same being a product of "coaching" by State's counsel. During Willingham's confinement in the Navarro County Jail, Webb was also an inmate, incarcerated on robbery charges. Webb sent word to

me that Willingham had admitted to him that he killed his children. I later met with Webb and obtained a written statement. Webb testified in the trial consistent with his statements regarding Willingham. I did not offer Webb any consideration for his cooperation and he was later sentenced to 15 years in the robbery case. Based on the circumstances of the Webb robbery (he threatened to hit an acquaintance with a stick if she refused to give him her purse) the sentence seems entirely adequate.

Mr. Webb corresponded with me on several occasions while in prison. The subject of these letters was invariably a plea for protection after a misguided documentary film maker allegedly disclosed Webb's whereabouts in the system to Willingham and his relatives. Webb's letters were specific in describing how he had been targeted for death and/or serious injury by the Aryan Brotherhood, to whom Willingham had described Webb as a "snitch." Webb also disclosed that he had been forced, upon threat of death, to make a "recantation" of his testimony. Webb's correspondence to me states, "I did NOT write this (recantation) willingly nor did I ever lie at the Willingham trial."

The application also suggests that Webb was provided with a car after his release from prison, presumably as a pay-off for his testimony. I am aware that Webb was acquainted with a Corsicana businessman and philanthropist by the name of Charles Pearce who provided the means for a number of convicts to seek rehabilitation, including vocational training and counseling. Any benefit Webb may have obtained from Pearce at a time remote from the Willingham prosecution had no connection with Webb's testimony or his role in these proceedings. I can state with complete assurance that Webb never received a car from anybody as consideration for cooperation in this case.

LIMITATION ON FUNDS. Applicant recited that he has been "unable to develop this information because of limitation on funds." I have, at all times, been available to help develop such issues at little or no cost to applicant or his attorney. I will submit that the reason this information has not been "developed" is that (1) it had no impact on the Willingham proceedings and (2) evidence of death threats toward a witness (which would be the inescapable result of investigation) would not support Applicant's request for relief.

Please do not hesitate to call me if you require further information on any issue raised by applicant. I am aware of no evidence which would entitle Cameron Todd Willingham to

reprieve, commutation, or clemency for the brutal and horrific murders of his three children.

Respectfully submitted,

John H. Jackson, Judge
13th Judicial District

JHJ:df

APPENDIX 38

AFFIDAVIT OF JOHN H. JACKSON

THE STATE OF TEXAS
COUNTY OF NAVARRO

BEFORE ME, the undersigned authority on this date personally appeared JOHN H. JACKSON, who after being by me duly sworn did upon oath depose and state as follows:

1. My name is John H. Jackson. I reside in Navarro County, Texas and am fully competent to make this affidavit. I am Sr. Judge of the 13th District Court of the State of Texas. The matters in this affidavit are within my personal knowledge unless noted to the contrary.

2. I was first-chair prosecutor in the State v. Willingham capital murder case. In that capacity I was well acquainted with Johnny Webb, a jail inmate who testified at the trial that Willingham confessed to the murder of his children by starting a fire at their residence. Webb was offered no reduction in punishment for his testimony and ultimately received a sentence of 15 years in connection with the robbery case in which he was charged at the time of the Willingham trial.

3. In February of 2000, a Navarro County resident by the name of Charles Pearce, Jr. came to my chambers in the Courthouse and delivered to me the letter and enclosing envelope a copy of which is attached hereto as Exhibit A. The envelope and letter was in the handwriting of Johnny Webb which is well known to me based upon much correspondence which I have received from Webb over the past 15 years. Charles Pearce, Jr. was an individual who assisted a number of criminal defendants, including Webb in various rehabilitation attempts.

4. The substance of the letter very clearly sets out Mr. Webb's explanation of his "recantation" of testimony related to the Willingham confession. It explains that a documentary film-maker by the name of Liz Gilbert interviewed both Webb and Willingham with a view toward assisting Willingham. Webb's letter explains that Gilbert advised Willingham of Webb's whereabouts in the Institutional Division of TDCJ and that another death row inmate communicated this information to his brother in the same unit as Webb. Webb relates in this correspondence that he is being forced, under threat of death to make a false recantation of his testimony. The correspondence implies that such threats originate from "AB," or Aryan Brotherhood.

5. Johnny Webb has at all times to me maintained the truthfulness of his testimony establishing that Willingham started a fire in the residence by which he murdered his

three children. Webb's testimony is also dovetails with the statements and testimony of witnesses that Willingham attempted to kill his children before they were born by savage beatings of his wife during the two pregnancies. These statements and testimony were offered by witnesses who observed the injuries to Stacy Willingham, and to whom she made admissions of these circumstances.

SIGNED this 4th day of October, 2010.

John H. Jackson, Affiant

SUBSCRIBED AND SWORN TO before me by John H. Jackson on the date above written.

Notary Public, State of Texas

APPENDIX 39

Dear Mr. Pearce, 2/12/00

I just received your letter of the 11th. One day thats fast service. I hope this letter finds you in the best of health and highest of spirits and your daughter as well.

I really do appreciate the money you sent me and the parole package too. I sure needed Both.

As to the Liz Gilbert Business. Well, I have recently found out nothing from her. But I have found out that she is working for Willinghams behalf. Mr. Pearce, I'm so scared right now that I'm in tears as I write this letter. She told Willingham what unit I'm on. Its all over the Unit that I'm a snitch for the state. Everyone knows I put him on Death row. There is a dude over here that has a Brother on Death row. His name is [redacted] The brother here is name [redacted] Willingham got that dude to write over here and spread the word on me. (I'm FuckED!) [redacted] has been on Death row with Willingham since 96. She also told him that the state refuses to give me any protection from the AB. So its open season on my ass!!

I've already been told that I have "NO" choice, but to write a letter or Motion to recant my statement against him, or I'm a dead motherfucker. So I've got NO other choice but to do as they say to buy myself some time.

I "DO NOT WANT TO DO IT." But I'm being forced to do it against my will. If I don't they will either kill me or stab me up real bad. I don't want to get hurt.

I've already told those people that I have some stationery coming and when it gets here I'll write whatever they want. I am also going to write Liz Gilbert and ask her how she could have done that to me.

I'm going to make a Carbon copy of it and write John an offical letter, telling him whats going on and about being forced to write a motion to recant and send him the Carbon copy of Liz's letter.

Thats all I can do. I'm in a catch 22. You know Mr. Pearce, The motion for recant will be invalid because I'm being forced to write it. And once that motion is voided, then it will start all over again. I sure hope not, but I know they won't give up.

Mr. Pearce, I don't see how it can be legal for Liz to do that. Because she told me she wouldn't tell Willingham anything about me. Man, I was worried about the news, I never dreamed it would go down like this.

Man, I'm on a Max Security lock down unit with dudes that have life sentences that really don't care. When I write this recent motion they're going to fuck me off.

Well, I guess thats all I can really say about now. We'll see what happens. It looks like its in Gods hands now. If I hear something from that bitch I'll let you know. But I can see now she got all the information she needed. I wonder if she can sleep well at night know how close she is to getting me killed?

Take Care of Yourself Mr Pearce and I'll try to do the same.

Awaiting your response I shall remain.

Love always and
Forever your friend

Johnny

Johnny Ewalk #626256
JAMES V. ALLRED UNIT
2101 FM 369 N.
IOWA PARK, TX. 76367-6568

WICHITA FALLS TX 763
PM
14 FEB
2000

33 USA

C.S. Pearce Jr.
P.O. Box #645
Corsicana TX. 75110

75151/0645

Willingham 8

APPENDIX 40

Dear Mrs. Houston, 9-28-01

Hello, how are things going with you these days? I do hope all is well with you and your family. Hopefully this letter will reach you in the Best of Ways.

You may not remember me right off. But you interviewed me here in prison concerning the Willingham Capital Murder Case, back in 2000.

I agreed to the interview because there was nothing to hide concerning that case and I felt it was just the right thing to do. Most people in Prison, either ask for money or some kind of favor in return for their interview. As I hope you recall I asked for neither. Even though I sure could have used a little extra cash since T.D.C. doesn't pay inmates for working.

Anyway, the reason for this letter is in regards to what you offered me and made promise to give me, of your own free will. You told me that you would see to it that I received some of the Best pictures taken of myself, so I could send them to friends and family, because I have no pictures of myself to send out.

You also stated that you would inform me of the article so I could see how I was being portrayed in your article.

Well, here it is almost 2 years later and I have never heard one word from you. Please do not think that I am being

sarcastic toward you, Because I don't mean it that way. I'm just stating facts. You have never tried to contact me.

You seemed like such a nice lady and I totally believed what you told me. I guess I was the Big fool there, huh. I also do understand the way most people see a person who is in prison. (He's just a convict to hell with him). Although this may or may not Be your personnal opinion, it does seem that way to me.

I guess most people wouldn't write to you and state their displeasure about the situation. But what maybe nothing to you are others, maybe something totally different to someone in my situation. I just don't think I was treated very fairly.

I'm seriously considering filing a complaint with Another Diana Weeks Production. Because I just don't think its right to treat people Badly just because they are locked up. No I probably won't go that far.

Maybe you just simply forgot. God knows you're probably Busy as hell.

I just want you to know just how disappointed I was about it. To me a persons word, is their Bond.

Take Care of Yourself Liz. I hope everything is going well for you. Most of the Country is still upset about the attack. I sure hope you didn't lose anyone.

Write if you Wish.

Sincerely Yours.
Johnny E. Webb

Dear Liz 12-26-01

Greetings, Regards, and the utmost respect to you. I hope this letter finds you in the Best of health and the highest of Spirits.

I have received your most welcome letter. I must say, I am very pleased to hear from you, Because I thought I might not. I also must apologize for the content in my first letter to you. I was really feeling down and out. Prison has that effect on me from time to time. So I hope you will understand.

Thank you for your help in trying to get me some copies of these photographs. Those copies will surely come in handy. Since my family has no pictures of me that are newer than 8 years old.

I wasn't aware that you wrote Fiction. I just assumed you wrote true crime. I do understand that writting stories and or Books isn't a simple task. I have been thinking about writting a Book myself. I have been encouraged to do so, by a number of people. But the content of the Book would be controversial to say the least. But I have been told that controversy could also help with Book sales!

Any chance of me writting a Book is a long way away. Mr. Pearce has encouraged me to think hard about the issue. He has wrote 9 Books, so his advise is invaluable. I still have a lot of reading and research to do before that day comes.

Please keep me informed about the pictures and your writting as while. I am very interested in the content and the portrayal of all involved.

I do wish you all the very best in your project and the success of it. There are really many angles from which separate stoys are derived. The investigators have their story along with witnesses and family members on both sides. Something to think about. We have all been affected by this case one way or the other!

I truely hope you had a wonderful Christmas. And wishing you the very best of the new year to come. take Care of Yourself. Write if you can.

Awaiting your response I shall always remain.

Sincerely
Johnny C. Wolf

Dear Elizabeth, 3-14-02

Hello, Greetings, Regards and the Best of respects to you. I hope this letter finds you in the best of health and highest spirits. Only the best wishes for you.

First, I'm sorry it has taken me so long to respond to your letter. But they denied me the magazines you sent me, so I appealed it! I wanted to wait until I received a response before I wrote to you. I'm sending you the denial and appeal.

Say, I really do appreciate the photos that you sent to me. But, Damon, I look depressed as hell. I thought I had smiled a little. But for real. I sent one picture to my mom and she said it made her cry to see me look so depressed. I guess pictures are not always a good thing.

Thank you very much for your well wishing. Not many people wish well of me these days. Much less takes time to write to me. So your letters and wishes are more well received than you might think.

About my book. I want to write about the lack of a state witness protection program.

See, I have had many, many problems here in TDC because of my testimony in the Williamson case. The good thing about it is its all well documented in letters to the District Judge and to my close friend Mr. Pearce. Plus to another DA in a different county. So I think that most of the content is already there. The other good thing is I am the only one who can get these letters.

My point is TDC doesn't care about people. Once you here, the District Court has no jurisdiction here in TDC. The District Court can only request help. The general public just doesn't know the real story about people in my situation. We are encouraged to testify and told that we'll be protected. But the reality of it is totally different from what you told. I just what people out there to know "If you tell you putting your head in the Lions mouth." There is very little justice in the Texas Justice system.

I really don't think I can even think about writting a Book until I'm released from prison. I sure can't get the research, [redacted] letters until then. [redacted] Bus SUCKS

NEXT PAGE.

I guess I got baby oil on the bottom of that page. Pen just didn't want to work.

Like I was saying. I don't have anyone out there to help me with a project like that. So all I can do is wait.

But. I will gladly accept any and all advice you may have to offer. I do appreciate your encouragement.

I receive a Book Catalog from Edward R. Hamilton Bookseller. The catalog has lots of good Books. But one that caught my interest recently was a Book called "the Writers Market" It lists over a 1000 different company's and individuals who buy what people write. Poems, short Stories, articles, ect ect. Have you ever heard of it ?? I think it would be a worthwhile Book for a person in your line of work. I can send you the info if you like?

So you turned 50, the day I wrote you the letter. Well, Please don't tell anyone, Because you sure don't look it and I don't think you have to worry about someone guessing your age. You really look no more than 37-38. Atleast thats what I had thought when I meet you. Your a beautiful woman. But hey 50 isn't that old either So don't make it sound old. You have a long life still ahead of you. Hell, I am only 32 But I hope to be dancing with girls when I am 85 !! HAHAHA. 7

You know what they say. "Your only as old as you think you are".

Yeah, I hear you about it being controversial (the Book) the better. My friend once told me that controversy was away of selling at the right time.

I just want people to know that prison isn't as easy as these asshole politicians tell them it is. And that there is alot of Sons, daughters, husbands, wives and other family members down here being done real Bad by a system out of control.

Say, I don't know if you like Business magazines or not. but I'm sending you a free magazine card. Order it, its a good mag. I try to learn anything I can down here to make me a better person.

I'll close for now, but not forever. Take Care of Yourself Liz. I hope all is going well for you and your family. Write when you can. I do enjoy your letter.

Awaiting your response I shall remain

Always

Larry

APPENDIX 41

The New York Times

September 26, 2013

Citing New Evidence, Urging a Posthumous Pardon in 1992 Case

By BRANDI GRISSOM

Armed with what it says is new evidence of wrongdoing in the prosecution of Cameron Todd Willingham, the Innocence Project on Friday will ask Gov. Rick Perry to order the Texas Board of Pardons and Paroles to investigate whether the state should posthumously pardon Mr. Willingham, whose 2004 execution has become a lightning rod of controversy over the Texas justice system.

"This is a terrible thing to not only execute somebody who was innocent; this is an individual who lost his three children," said Barry Scheck, co-founder of the Innocence Project, a legal group that focuses on wrongful convictions.

The organization says it discovered evidence that indicated the prosecutor who tried Mr. Willingham had elicited false testimony from and lobbied for early parole for a jailhouse informant in the case.

The informant, Johnny Webb, told a Corsicana jury in 1992 that Mr. Willingham had confessed to setting the blaze that killed his three daughters.

The Innocence Project also alleges that the prosecutor withheld Mr. Webb's subsequent recantation. The organization argues that those points, combined

with flawed fire science in the case, demand that the state correct and learn from the mistake it made by executing Mr. Willingham.

Former Judge John H. Jackson, the Navarro County prosecutor who tried Mr. Willingham, said the Innocence Project's claims were a "complete fabrication" and that he remained certain of Mr. Willingham's guilt.

"I've not lost any sleep over it," Mr. Jackson said.

Mr. Willingham was convicted, largely on the testimony of a state fire marshal, who said Mr. Willingham started the 1991 fire that killed his daughters. Several fire scientists, though, have concluded that the science underpinning that conclusion was faulty. In April 2011, the Texas Forensic Science Commission agreed.

Now, Mr. Scheck said, his organization has discovered that prosecutors went to great lengths to secure false testimony from Mr. Webb, to repay him for helping secure the conviction and to hide the recantation.

During the trial, Mr. Webb, who was in jail on an aggravated robbery charge, said he was not promised anything in return for testifying. But correspondence records indicate that prosecutors later worked to reduce his time in prison.

In a 1996 letter, Mr. Jackson told prison officials Mr. Webb's charge should be recorded as robbery, not aggravated robbery.

But in legal documents signed by Mr. Webb in 1992, he admitted robbing a woman at knife point and agreed to the aggravated robbery charge.

In letters to the parole division in 1996, the prosecutor's office also urged clemency for Mr. Webb, arguing that his 15-year sentence was excessive and that he was in danger from prison gang members because he had testified in the Willingham case.

In 2000, while he was incarcerated for another offense, Mr. Webb wrote a motion recanting his testimony, saying the prosecutor and other officials had forced him to lie.

That motion, Mr. Scheck said, was not seen by Mr. Willingham's lawyers until after the execution. Meanwhile, he said, prosecutors used the testimony to stymie efforts to prove Mr. Willingham's innocence and prevent his death.

An investigation is needed, Mr. Scheck said, to improve the judicial process.

Mr. Jackson said he made no promises to Mr. Webb. He also said Mr. Webb had sent him a letter explaining that the recantation motion was untruthful but that he was forced to submit it by prison gang members who supported Mr. Willingham.

"There's no doubt the arson report was based on archaic science, but from a practical standpoint I think the result was absolutely correct," Mr. Jackson said.

The Innocence Project has worked for years to exonerate Mr. Willingham, but Mr. Perry has argued that he was guilty.

Scott Henson, author of the criminal justice blog Grits for Breakfast, believes the current effort may be successful when a new governor takes office in 2015, he said.

Mr. Henson added, "Perry has made his position on the case pretty clear."

bgrissom@texastribune.org

APPENDIX 42

AP

Cholesterol Study
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Looking for People with Cardiovascular Disease. Learn more.

The Big Story

Group says new evidence in Texas arson-murder case

Feb. 28, 2014 6:20 PM EST

Home » **Cameron Todd Willingham** » Group says new evidence in Texas arson-murder case

FILE - In this Oct. 6, 2010, file photo, Scott Cobb, right, joins about 15 members of The Campaign to End the Death Penal at a protest before a hearing about the Cameron Todd Willingham case outside the Blackwell-Thurman Criminal Justice Center in Austin, Texas. The Innocence Project said Friday, Feb. 28, 2014, that newly discovered documents undermine tl credibility of a key witness against Willingham who was controversially executed on Feb. 17, 2004. (AP Photo/Statesman.com, Jay Janner, File) MAGS OUT; INTERNET AND TV MUST CREDIT PHOTOGRAPHER AND STATESMAN.COM

- **Prev**
- 1 of 2
- **Next**

AUSTIN, Texas (AP) — The Innocence Project argued Friday that newly discovered documents undermine the credibility of a key witness against a Texas man executed for the deaths of his three children based in part on arson evidence that has since been deemed faulty.

The New York-based nonprofit said it has discovered a handwritten note that suggests a prosecutor gave a lesser charge to jailhouse informant Johnny Webb, who testified that Cameron Todd Willingham told Webb he killed his daughters in 1991.

That would contradict claims made at trial by Webb and prosecutor John Jackson that Webb did not receive consideration for his testimony.

"It's astonishing that 10 years after Todd Willingham was executed we are still uncovering evidence showing what a grave injustice this case represents," Barry Scheck, the Innocence Project's co-director, said in a statement.

Willingham's case has been scrutinized by advocates who argue the state may have executed a wrongfully convicted man. Fire science experts already have refuted much of the methodology used in his case.

In a new filing Friday with the state pardon board, The Innocence Project said Jackson worked to have Webb's charge reduced from an aggravated offense with a deadly weapon to a second-degree felony. Included in the filing is a handwritten note, found in files turned over by current prosecutors, that mentions a second-degree robbery offense "based on coop in Willingham." The note is not signed or dated.

Jackson, a former prosecutor in Navarro County, south of Dallas, who later became a state district judge, has maintained that Webb did not receive leniency. He told The Associated Press on Friday that he had not seen the note, but believed it was likely referring to efforts he made to get Webb out of prison after Willingham's trial due to threats on Webb's safety.

"The file may certainly reflect that we tried to get sentencing shortened, but it had nothing to do with any agreement relative to the Willingham trial," Jackson said.

Jackson said imprisoned members of the Aryan Brotherhood had threatened Webb due to his role in Willingham's conviction.

"We certainly had an interest in not seeing a primary witness in the case killed while he was in prison," he said.

Lowell Thompson, the current Navarro County district attorney, confirmed the note was in the files he allowed the Innocence Project to inspect, but did not take a position on whether it indicated anything about the case.

"I've seen it, but I'm not familiar with anything it might mean or it might not mean," Thompson said Friday.

Webb, who currently is being held in the Navarro County Jail on an unrelated aggravated assault case, could not be reached for comment.

A fire destroyed Willingham's home in 1991 and killed his three daughters. A state fire marshal who studied the scene testified at Willingham's 1992 trial that the fire was arson.

Scientists have since refuted much of the methodology used by arson investigators before 1992, including the techniques used by the fire marshal in the Willingham fire. Attorneys submitted new scientific findings to Gov. Rick Perry in 2004 and asked for time to reopen the case, but Perry allowed Willingham's execution to go forward that year. Willingham maintained his innocence until his death.

The Innocence Project has called for a posthumous pardon, but Perry has long declined to reconsider Willingham's guilt,

calling him a "monster" who had killed his own children.

Lucy Nashed, a spokeswoman for Perry, said Friday that the governor's position has not changed.

"Todd Willingham was convicted and sentenced to death by a jury of his peers for murdering his three daughters, year-old twins and a two-year-old," Nashed said in an email. She added: "The governor agreed with the numerous state and federal courts that Willingham was guilty and the execution should proceed."

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Tags

Rick Perry, Arson, Criminal punishment, Executions, Barry Scheck, Cameron Todd Willingham, Texas state government

Comments

APPENDIX 43

INNOCENCE PROJECT

Bryce Benjet <bbenjet@innocenceproject.org>

Question regarding Willingham case

1 message

Bryce Benjet <bbenjet@innocenceproject.org> Wed, Feb 12, 2014 at 5:35 PM
To: Jhjacksonpowell@gmail.com, Barry Scheck <bcsinnocence@gmail.com>

Judge Jackson:

Per a message left at your office by Barry Scheck, I am forwarding some documents for your review. These documents are from the Navarro County DA's files in the Willingham and Webb cases as well as the district court file in Webb's 1992 agg robbery conviction.

We would value the opportunity to speak with you about the case and these documents, and in particular, the handwritten note on page 4 of the pdf and the typwritten note on page 11.

Thanks for your attention to this matter.

Barry can be reached on his cell phone at 917 796-1150.

--
Bryce Benjet
Staff Attorney, Innocence Project
40 Worth St., Suite 701
New York, NY 10013
(212) 364-5980
(212) 364-5341 fax

willingham.pdf
946K

Bryce Benjet <bbenjet@innocenceproject.org>

Re: Question regarding Willingham case

1 message

Bryce Benjet <bbenjet@innocenceproject.org> Thu, Feb 13, 2014 at 3:58 PM
To: John Jackson <Jhjacksonpowell@gmail.com>, Barry Scheck <bcsinnocence@gmail.com>

Judge Jackson:

Barry Scheck and I spoke to your assistant today who confirmed your receipt of the Willingham/Webb documents. We understand you are in Court today, but would value the opportunity to discuss these documents with you to make sure we understand them correctly. Please let us know when you are available to speak about this.

Thanks,

Bryce

On Wed, Feb 12, 2014 at 5:35 PM, Bryce Benjet <bbenjet@innocenceproject.org> wrote:

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> --
> Bryce Benjet
> Staff Attorney, Innocence Project
> 40 Worth St., Suite 701
> New York, NY 10013
> (212) 364-5980
> (212) 364-5341 fax

--
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Staff Attorney, Innocence Project
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Bryce Benjet <bbenjet@innocenceproject.org>

Re: Question regarding Willingham case

1 message

John Jackson <jhjacksonpowell@gmail.com> Thu, Feb 13, 2014 at 6:38 PM
To: Bryce Benjet <bbenjet@innocenceproject.org>

Dear Mr. Benjet: please bring me up to speed relative to Mr. Scheck's and your involvement in the Willingham matter; particularly what relief you may be seeking now with any Court or administrative agency, and what you plan in the future. Full disclosure of your interest in the case is a predicate to my speaking with you. John H. Jackson

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--
Bryce Benjet

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Bryce Benjet <bbenjet@innocenceproject.org>

Re: Question regarding Willingham case

1 message

Bryce Benjet <bbenjet@innocenceproject.org> Thu, Feb 13, 2014 at 7:44 PM
To: John Jackson <jhjacksonpowell@gmail.com>
Cc: Barry Scheck <bcsinnocence@gmail.com>

Dear Judge Jackson,

We represent Cameron Todd Willingham's family members, Eugenia Willingham and Patricia Cox. We have sought a posthumous pardon from the Board of Pardon and Parole. In the course of our investigation with respect to that application we discovered the documents we have passed on to you. We are seeking to get your understanding and interpretation of these documents and the events associated with them at your earliest convenience.

Thanks,

Bryce

On Feb 13, 2014 6:38 PM, "John Jackson" <jhjacksonpowell@gmail.com> wrote:

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INNOCENCE PROJECT

Bryce Benjet <bbenjet@innocenceproject.org>

Re: Question regarding Willingham case

1 message

John Jackson <jhjacksonpowell@gmail.com> Fri, Feb 14, 2014 at 1:43 PM
To: Bryce Benjet <bbenjet@innocenceproject.org>

Mr. Benjet: Based on your response, it would appear that you and the Willingham family are prepared to waive any possible or anticipated civil claims against the State of Texas, other govt entities, and anyone else in connection with this case. Please confirm and I may be able to provide responses to written questions. JJ

On Thu, Feb 13, 2014 at 6:44 PM, Bryce Benjet <bbenjet@innocenceproject.org> wrote:

> Dear Judge Jackson,
>
> We represent Cameron Todd Willingham's family members, Eugenia Willingham and Patricia Cox. We have sought a posthumous pardon from the Board of Pardon and Parole. In the course of our investigation with respect to that application we discovered the documents we have passed on to you. We are seeking to get your understanding and interpretation of these documents and the events associated with them at your earliest convenience.
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> Thanks,
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> > Dear Mr. Benjet: please bring me up to speed relative to Mr. Scheck's and your involvement in the Willingham matter; particularly what relief you may be seeking now with any Court or administrative agency, and what you plan in the future. Full disclosure of your interest in the case is a predicate to my speaking with you. John H. Jackson
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Bryce Benjet <bbenjet@innocenceproject.org>

Questions regarding Willingham

1 message

Bryce Benjet <bbenjet@innocenceproject.org> Mon, Feb 17, 2014 at 3:38 PM
To: John Jackson <Jhjacksonpowell@gmail.com>
Cc: Barry Scheck <bcsinnocence@gmail.com>
Bcc: "Greenberg, Danny" <Daniel.Greenberg@srz.com>, Gerry Goldstein <ggandh@aol.com>

Judge Jackson:

Thanks for your response on Friday. We have spoken to our client. As a preliminary matter, it has always been the Willingham family's primary goal to clear Todd Willingham's name in this matter, and not to seek financial gain. However, we have filed a petition for posthumous pardon with the Board of Pardons and Paroles which, if granted, could lay the predicate for statutory compensation for the Willingham family as was done in the Tim Cole case.

Further, without knowing your explanation of these documents, it is impossible for us to advise our clients to waive any remedy that may be available to them.

We find the documents that we have asked you to review troubling. The plain language of the handwritten note on the file in Johnny Webb's 1992 aggravated robbery case indicates a quid pro quo for his cooperation in the Willingham case. Other correspondence and documents likewise indicates that you provided substantial assistance to Mr. Webb beginning at least in October 1992 and continuing on through 2000. These documents appears on their face to be inconsistent with the trial testimony and others documents written by you indicating that Mr. Webb expected and received nothing in exchange for his cooperation.

Accordingly, we are interested in your explanation of these documents and the circumstances surrounding them. In particular we would like information regarding the following:

1. The handwritten note on the Navarro County DA file in the Webb Agg. Robbery Prosecution (p.4 of the PDF)

a. Please identify who wrote the note and when the note was written.

b. Explain the meaning of this note.

2. The typewritten note found in the Navarro County District Clerk's file in the Webb Agg. Robbery case (p.11 of the PDF)

a. Please identify who wrote (or dictated) the note.

b. Explain the meaning of this note.

3. At trial, you elicited testimony from Johnny Webb that he was promised nothing in exchange for his testimony and that you told him that he would receive no assistance. (p. 9 of the PDF)

a. Was this testimony true?

b. If it was true, please explain the following:

(i) the handwritten note indicating a reduction in charge based on "coop. in Willingham",

(ii) your advocacy on behalf of Webb with regard to prison conditions and classification, intercessions for parole, your role in seeking a commutation of Webb's sentence as "excessive", and you action in obtaining a nunc pro tunc amendment to Webb's judgment.

c. If the testimony was not true, please explain the following:

(i) your statements to the Parole Board in 1996 that Webb received no benefit for his testimony;

(ii) your statement to the Board of Pardons and Paroles in 2004 that Webb received no consideration for his testimony;

(iii) your 2010 affidavit claiming Webb received no reduction in punishment for his testimony; and

(iv) your 2013 statement to the Texas tribune that you made no promises to Webb.

4. At trial, Webb testified that he had been convicted of an "aggravated" offense--implying that he was convicted of aggravated robbery. (p10 of the PDF)

a. Was this true?

b. If so, then please explain the following:

(i) the note dated October 1992 instructing the district clerk to inform TDC that the conviction was for simple robbery;

(ii) your actions in obtaining a nunc pro tunc amendment changing the conviction to second degree robbery;

Thanks for your anticipated cooperation in this matter.

Bryce Benjet

--

Bryce Benjet
Staff Attorney, Innocence Project
40 Worth St., Suite 701
New York, NY 10013
(212) 364-5980
(212) 364-5341 fax

APPENDIX 44

COMPLAINT

No. 20130909001 2

THE STATE OF TEXAS

VS.

JOHNNY EVERETT WEBB
712 N. 23rd Apt B
Corsicana, Texas 75110

OFFENSE: AGGRAVATED ASSAULT

In the Name and by the Authority of the State of Texas:

Before me, the undersigned authority, on this day personally appeared the undersigned affiant, who after being by me duly sworn, on his oath deposes and says JOHNNY EVERETT WEBB, hereinafter called Defendant, on or about the 17th day of August, A.D. 2013, and before the making and filing of this complaint, in the County of Navarro and State of Texas, did then and there intentionally, knowingly, or recklessly cause bodily injury to Billy Smith by cutting him, and the defendant did then and there use or exhibit a deadly weapon, to-wit: a knife, during the commission of said assault;

And it is further presented in and to said Court that, prior to the commission of the primary offense, on the 6th day of March, in 1992, in cause number 24490 in the 13th Judicial District Court of Navarro County, Texas, the defendant was convinced of the felony offense of Aggravated Robbery, against the peace and dignity of the State.

Affiant

Sworn to and subscribed before me on this, the 4th day of August, 2013.

R. Lowell Thompson
Criminal District Attorney
Navarro County, Texas

By: _____
Assistant Criminal District Attorney
Navarro County, Texas

APPENDIX 45

ROBERT HINTON & ASSOCIATES PC

4040 N. CENTRAL EXPWY., SUITE 810 · DALLAS, TEXAS 75204 · (214) 219-9300 · FAX (214) 219-9309 · E-MAIL: hinton.law@airmail.net

ROBERT C. HINTON, JR.

ATTORNEYS & COUNSELORS

Affidavit of Robert Hinton

Before me, the undersigned Notary, personally appeared on individuals verified to me to be Robert Hinton, Attorney at Law, State Bar of Texas #09710800, who, upon being placed under oath, stated as follows:

"My name is Robert Hinton. I am a licensed attorney in Texas, since 1973." I make this affidavit freely, voluntarily and with personal knowledge of the matters asserted. Barry Scheck and his staff on several innocence projects I have assisted the last several years. Several months ago Barry Scheck and Bryce Benjet asked me if I would speak with a Dallas area lawyer named Bill Price concerning his activities with regard to the Willingham case while he was an assistant district attorney in Navarro County, Texas.

I called Bill Price, and after a brief conversation about why I was calling he and I scheduled a time for me to meet him at this office to discuss his work in the Willingham post-judgment case when he was working in the Navarro County D.A's office.

At that meeting I showed Bill Price copies of several items which had been provided me by Mr. Scheck and Mr. Benjet. Mr. Price told me that he was not aware of the 2004 letter John Jackson had sent to the Board of Pardons and Paroles opposing the application Skip Reaves had submitted to investigate prosecutorial misconduct in the Willingham case with respect to benefits provided to Johnny Webb after his testimony. Mr. Price told me that he was not aware that Mr. Jackson had caused Webb's conviction to be reduced from a first degree Aggravated Robbery to a second degree Robbery, by way of "nunc pro tunc" Order. Mr. Price told me that he was not aware of the notation on the District Attorney's file in the Webb case which stated that, per Webb's lawyer, April the conviction was to have been for an included 2nd degree Robbery based upon Webb's cooperation in the Willingham case. Mr. Price told me that if he had been aware of these things he would have disclosed them to Mr. Reeves and to the Court.

Mr. Price also told me that he attempted several times unsuccessfully to reach Stacy Kuykendall to verify the report that she had heard Willingham confess to the arson and murders a few days before his execution. Unable to reach Stacy Kuykendall, he included her brother Ronnie's statement in papers opposing Willingham's application for a stay, and a hearing, which included the Hurst report. Mr. Price expressed considerable surprise at the items I showed him, and indicated that had he been aware of them he would have recommended to his superior that Willingham's application not be opposed.

Shortly after my meeting with Mr. Price, I received a call from Dennis Biltz, Webb's current lawyer. Mr. Biltz told me that Webb wanted to talk to me about the truth about his testimony in the Willingham case. Kenneth Johnson, a private investigator, and I visited Webb

at the Navarro County Sheriff's office, in the presence of his attorney, Mr. Biltz. The interview was tape recorded. Attached is a true and correct transcript of this interview, which has not been altered, edited or manipulated in any way.

Signed this 25th day of July, 2014 by:

Robert Hinton

Robert Hinton

Sworn & Subscribed before me on this 25th day of July, 2014.

Notary Public/State of Texas
County of Dallas

JENNY F. HARDCASTLE
Notary Public, State of Texas
My Commission Expires
May 19, 2015

My Commission Expires: _____

RCH/jh