

ORIGINAL

1 NO. 86-452-K

2 THE STATE OF TEXAS

IN THE 26TH JUDICIAL

3 VS.

DISTRICT COURT OF

4 MICHAEL W. MORTON

WILLIAMSON COUNTY, TEXAS

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13 PRETRIAL
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22 Taken February 6, 1987

23 By Mary Ann Vorwerk
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1 THE COURT: That's in --

2 MR. WHITE: And any other Brady
3 material the State might have.

4 THE COURT: That's in your Brady Motion?

5 MR. WHITE: Well, we're going to
6 argue that. We're going to argue the oral statements
7 under our Motion for Discovery of the Defendant.

8 THE COURT: All right. Mr. Anderson,
9 do you have anything that is favorable to the accused?

10 MR. ANDERSON: No, sir. Mr. Allison
11 had mentioned to me that he considered if a Defendant
12 makes any statement that doesn't admit the commission
13 of the crime, that he thinks that's Brady material.
14 I don't think it's Brady material. And as a practical
15 matter, I think the Defendant knows of any statements
16 he made, anyway, so they already have possession of
17 them.

18 You know, I have made Brady material
19 available to the Defense attorneys in the past. I
20 haven't noticed the Court disagreeing with me, and
21 I think I know what Brady material is. To say that
22 a Defendant's statement is Brady material because he
23 doesn't say that he did it, I think is stretching the
24 point beyond what any Court has ever interpreted that
25 to be.