



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-74,973-01

EX PARTE BILLY RAY BRYANT, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
IN CAUSE NO. CR01125 IN THE 102ND DISTRICT COURT
FROM RED RIVER COUNTY**

KELLER, P.J., filed a dissenting opinion.

The habeas court recommends that relief be denied, and I believe that the recommendation is supported by the record. By my reading of the record, (1) there is compelling evidence that applicant is guilty even without considering Janie's written statement and (2) the polygraph evidence would not have changed the jury's view of Janie's testimony.

A. Compelling Evidence

Although some of the evidence that I will recount below was contradicted at trial and on habeas, I believe there is a significant amount of incriminating evidence that creates a compelling case for applicant's guilt.

1. Relationships

Applicant was not a stranger that happened to be implicated by Mitchell; applicant had

significant connections with members of the Victory and Raulston families. Janie, whose polygraph test is the primary subject of applicant's claims, is Stella Victory's sister and Aaron, Dalinda, and Jonathon's aunt. Applicant was Janie's live-in boyfriend at the time of the murders and the three children knew him. Moreover, applicant "ran with" Kenneth Raulston, and he and Kenneth together "jacked" Mitchell Dickey on a large amount of drugs that Mitchell had fronted out to applicant.

2. Motive

Applicant had at least two motives for killing Johnny Victory. First, on Christmas Eve, Johnny beat up Stella, who was the sister of his (applicant's) girlfriend Janie. Stella was also the girlfriend of his friend Kenneth. On Christmas Day, there were a "bunch of guys" with "lots of guns" at Stella's house. Stella's brothers were there, as was applicant. "They" discussed killing Johnny. Aaron overheard applicant and Kenneth talking about killing Johnny.

Second, Johnny stole cash, barrels of expensive methamphetamine precursors, and counterfeit money plates from Kenneth. Dalinda thought that applicant "had a fuss" with Johnny over the things that came up missing because that's what she had been told over the years.

3. Eyewitnesses

Several witnesses testified that applicant participated in murdering Johnny and Sarah or that applicant was present when the murders were committed. Mitchell claimed that he, applicant, and Kenneth drove to Johnny and Sarah's house and parked nearby. Mitchell said he waited in the car while applicant, who carried a shotgun, and Kenneth went to the house. Mitchell soon heard gunshots and ran to the carport, which would have been when Stella's children saw him. Mitchell testified that applicant and Kenneth killed Johnny and Sarah.

Aaron testified at trial that on the night of the murders, Johnny was carrying him up to the

house. When Johnny set him down, Aaron heard a shot and he saw Johnny and Sarah fall. Aaron stopped by his dad, and then ran and hid in the carport. From there, he saw applicant and Kenneth. Applicant and Kenneth each had a gun in his hand.¹

In 2007, Dalinda gave a written statement about what happened on the night of the murders. In it she says, “I saw a man look through the back living room window. The man had a full beard and collar [length] hair. His hair was black. He had on a red and black checkered coat. I knew Bill Bryant because I had seen him on several different occasions prior to that night. I remember saying to my brothers that the man looking in the window was Bill Bryant or I asked them if it was Bill Bryant. I did think at the time that the man looking in the window was Bill Bryant.”

When Dalinda first testified at trial, she said she did not know if applicant was one of the murderers. The next day, as the judge at the habeas hearing put it, “in dramatic testimony in the rebuttal, as she sat in this witness stand, she turned and pointed at Mr. Bryant identifying him as the killer of one of her parents.” During this later testimony, Dalinda said she was scared, and that she wasn’t even living at home because she was scared for her life and her son’s life. She had always known it was applicant, but her mother, Stella, said it wasn’t him. Dalinda thought it was because Stella was trying to protect them.

Dalinda worked for applicant when she was twenty-two (thirteen years after the murders) and her brothers hated the fact that she was around him all the time. When asked why she was friends with applicant, she said that she couldn’t act like she was scared of him because “what if he would have killed” her if she had shown any kind of fear.

Dalinda testified more than once that she did not know if “it was him,” but she also explained

¹ I have appended to this opinion Aaron’s testimony on direct examination.

that testimony when she ultimately said that “it was him.” Dalinda testified that she knew in the back of her mind that it was applicant, but she pushed it away. She explained that she always knew it was applicant, but she did not want to believe it because she did not want herself and her kids to be in danger. She said, “You have to go through something like that to understand why you would do that. It’s unexplainable.”²

Jonathon did not testify at trial, but after the case was reopened, he told law enforcement that there were other people present at the murders, and he believed applicant was one of them. In spite of trying to convince the kids that “it wasn’t him,” Stella later told Jonathon that “it was him.”

4. Weapon

There was evidence that applicant was in possession of a weapon that could have caused the murders. Johnny and Sarah were killed with a shotgun. Johnny had both birdshot and buckshot in his head, which could have been caused by a double-barrel shotgun. Applicant sold two rifles and a double-barrel shotgun to a man in Oklahoma a few months after the murders.

5. Threats / Statements Showing Consciousness of Guilt

Applicant made threats and engaged in conversations after the murder that suggested his own consciousness of guilt. Before the murders, Mitchell had burglarized Kenneth’s house (where Johnny and Stella were living) as part of an insurance scam. After the murders, Mitchell went to prison for the burglary. Mitchell’s mother testified that three or four months after Mitchell went to prison, applicant came to her house in New Mexico with a man named Denny Donaldson and threatened Mitchell’s parents. Applicant told them that they’d better tell “Mitchell, little son of a

² Dalinda remembered that Janie called applicant “Tom” because he was seeing another girl behind her back.

bitch, to keep his mouth shut.” The reason that Mitchell’s parents had moved to New Mexico in the first place was that, because of an earlier threat, they were afraid for their family. They were told that applicant was going to shoot them.

One time, Dalinda was run over by a flatbed trailer, and applicant came over and picked her up. When he did, he asked if she thought he did it (killed her father), and she said “no.” It was the only time the murders ever came up between them.

When the capital-murder warrant against applicant was issued and it appeared in the newspaper, applicant left home. United States Marshals were unable to find him at first because he was turning his cell phone on and off. Applicant also called people to try to find out what they were going to be able to testify about him. One of the people he contacted was Dalinda. The United States Marshals were able to trace the call and track applicant to a Days Inn in Paris, Texas, where he was hiding out.

B. Janie’s Statement

After the case was reopened, Janie was interviewed by Special Agent VanderVlugt of the United States Secret Service. Initially, she told him that applicant was home the night of the murders, but after taking a polygraph test and being told she failed, she gave a written statement in which she implicated applicant in the murders. At trial she disavowed the parts of her statement that implicated applicant. In light of the other evidence of applicant’s guilt outlined above, Janie’s recantation of her written statement would not have made any difference, even without the reference to her failing a polygraph test. I do not think that the jury would have believed Janie’s recantation.

Janie’s written statement was witnessed and signed by two law-enforcement officers. She put her initials at the beginning and end of each paragraph and she signed it at the end. I have

appended a copy of the statement to this opinion. In comparing this statement with her trial testimony, I do not think it is remotely likely that the jury would have credited her testimony instead of the written statement.

A sheriff, a Texas Ranger, and a Secret Service agent all testified that Janie had said what was in her written statement. They testified that they did not coerce her and that she gave the statement voluntarily. The prosecutor took them line-by-line through the statement and they confirmed that she said each sentence that inculpated applicant.

Janie had nothing to gain by implicating applicant, but plenty to lose. The written statement itself explains why Janie would later recant: “Bill told me that if I ever told anyone that he and Kenneth killed Johnny and Sarah, he would hurt me. I understood this to mean that he would hurt me, my children and my family.” Sheriff Reed said that when Janie was at the Sheriff’s office twenty years after the murders, she was still afraid of applicant.

At trial, Janie said that she signed the written statement because she was scared: “There was cops over there.” As to its truthfulness, she said, on the one hand, “A lot of things *I said* in that statement is not true, because I was scared.”³ There are a number of statements that she specifically admitted making, but said were not true. On the other hand, she also said about certain things in the statement, “That’s put on that paper, but *I didn’t say that* right there.”⁴ Also, “*What was said* didn’t get on that piece of paper.”⁵ In other words, according to Janie, the officers were able to make her say things that were not true because she was scared, but apparently they could not make her say

³ Emphasis added.

⁴ Emphasis added.

⁵ Emphasis added.

everything they wanted so they added it themselves.

In order for the polygraph evidence to have changed the outcome of this trial, it would have had to move the jury from a level of confidence less than “beyond a reasonable doubt” to “beyond a reasonable doubt.” I believe that the jury would have credited the written statement instead of Janie’s testimony even if the polygraph evidence had not been introduced. In light of the lack of credibility of her trial testimony and in view of the other evidence of applicant’s guilt, I do not believe that applicant has met his burden to show that he is entitled to relief.

C. Why Didn’t The Children Speak Up Earlier?

They were scared of applicant. Mitchell was a criminal. Kenneth was a violent man who was involved in manufacturing methamphetamine, counterfeiting money, and setting up an insurance scam. Johnny was himself extremely violent and was also involved in stealing drug precursors, counterfeit plates, and money. Nevertheless, the children promptly implicated Kenneth and Mitchell. This is why: Applicant wanted to kill them; Kenneth didn’t. Mitchell testified at trial that it was his impression that applicant wanted to kill them and Kenneth saved their lives. At the scene of the murders, Kenneth and applicant were arguing behind one of the children, and Kenneth was telling the kids to get into the house. Even after the three men left the house and went back to the car, Kenneth and applicant were arguing about the kids. Applicant wanted to go back and kill them because they had witnessed the murders, and Kenneth wanted to leave them alone. Applicant was the only one the children felt threatened by, so he was the only one whose identity they hid.⁶

⁶ Aaron had another reason to keep quiet when he got older. When the case was reopened, the sheriff went to the prison where Aaron was incarcerated. Even though Aaron did not feel safe talking to them – and did not talk to him – he was assaulted the next day by members of the Aryan Brotherhood for possibly talking to the sheriff about the murders. After the trial, Aaron went into protective custody, where he spends only one hour a day out of his cell.

Moreover, at least one of them did speak up earlier, although not to the authorities. Aaron told his Aunt Pat–Johnny’s sister–and he told his psychiatrist.

Finally, like Janie, Aaron and Dalinda had no motive to falsely accuse applicant and nothing to gain by doing so. If anything, Dalinda had a reason not to falsely accuse him because he had given her a job when she needed one.

D. Conclusion

It took over twenty years to get the witnesses against applicant to come forward and testify against him. Janie, Dalinda, Mitchell, and Mitchell’s parents were afraid of him because he killed Johnny and Sarah, threatened to kill the children, threatened to kill Janie and her family, and threatened to kill Mitchell and his parents. They are still afraid of him.

The Court says that the record supports the conclusion that applicant has established prejudice, but because the habeas court recommended denying relief, the record should be viewed in the light most favorable to that recommendation. While there is evidence in this case that would support a recommendation to grant relief, there is more than enough evidence to support a recommendation to deny relief. The habeas judge was also the trial judge, and it is obvious from the record that he remembers the trial testimony vividly. I would deny relief.

I respectfully dissent.

Filed: November 19, 2014
Publish

TEXAS DEPARTMENT OF PUBLIC SAFETY
TEXAS RANGER DIVISION

VOLUNTARY STATEMENT (NOT UNDER ARREST)

THE STATE OF TEXAS
COUNTY OF RED RIVER

FILE COPY

Before me the undersigned authority in and for said County and State, on this day, Tuesday, May 01, 2007, personally appeared, Janie Mussett, W/F, 07-21-1954, address is P.O. Box 344, (Rt. 2 Baker Road) Valliant, Oklahoma 74764, phone number is 580-933-7972, who, after being by me duly sworn, deposes and says:

JM

J.

I lived with Bill Bryant for approximately two years beginning around October of 1985. Bill was good friends with Kenneth Raulston. Kenneth's wife was Sarah. JM

My sister Stella was married to Johnny Victory. After Bill and I had lived together for about a year, Johnny and Stella separated and Kenneth and Sarah separated. Johnny started living with Sarah Raulston and Kenneth started living with Stella. Kenneth became very jealous because Johnny was with living with Sarah. I once heard Kenneth say that he did not like it because Johnny was living with Sarah in his, Kenneth's house and spending his, Kenneth's money. Stella once told me that Johnny kidnapped Kenneth, hit Kenneth in the head with a gun several different times and sexually assaulted Kenneth in the anus. JM

On New Years-Eve, 1986 I witnessed Johnny beat Stella up at Marie's Tavern in Valliant, Oklahoma. Johnny stuck his hand up in Stella's private parts when he assaulted her. Johnny also cut Stella's face with a knife. A couple of weeks later, Bill and I met Kenneth and Stella at a motel in DeQueen, Arkansas. We all stayed one night at the motel. While we were there, Kenneth and Bill left alone. After they returned to the motel, Bill told me that Kenneth wanted Bill to help Kenneth kill Johnny Victory. Bill was upset with Kenneth and Bill told me that Kenneth was crazy. JM

Maybe three or four weeks later, I learned that Johnny Victory and Sarah Raulston had been killed. Stella and I were at Don Ed Payne's office in Hugo, Oklahoma and Don Ed told us that Johnny and Sarah had been killed the night before. Don Ed is an attorney. This really upset Stella. JM

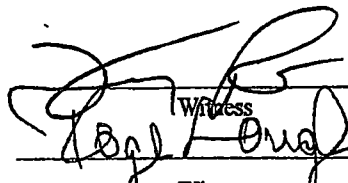
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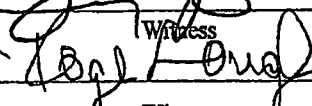
Maybe a month later, Bill and I were at Stella's house where we were staying because our trailer house had burned. Stella was drinking and crying. Stella told me that Kenneth told her me that Thomas Stringer, Jim Ed Monkhouse, Lewis Perkins, Bill and Kenneth had killed Johnny and Sarah. About a week later, Bill and I were in our bedroom. Bill said, "Me and Kenneth went to Kenneth and Sarah's house and shot and killed Johnny and Sarah." Bill also told me that there was a third shooter there but he did not tell me who the third person was. After bill told me this, Bill told me that if I ever told anyone that he and Kenneth killed Johnny and Sarah, he would hurt me. I understood this to mean that he would hurt me, my children and my family. JM

A short time later, Bill and I moved to Millerton, Oklahoma.

I lived in Millerton about eight months after that and then moved into Stella's trailer house. Stella had moved out and was living with a guy named Steve. I never lived with or associated with Bill Bryant after that. (End of statement). JM

State #39
2



Witness


Witness



Signature

Date: 05-01-2007 Time: 3:12 PM

1 deep breath and relax, and these attorneys have some questions
2 they want to ask you. You're among friends and neighbors, so
3 just take a deep breath and relax.

4 A A R O N P A U L V I C T O R Y

5 having been first duly sworn, testified as follows:

6 D I R E C T E X A M I N A T I O N

7 BY MR. VARLEY:

8 Q Go ahead and introduce yourself to the jury.

9 A I'm Aaron Paul Victory.

10 Q Aaron Paul Victory?

11 A Yes, sir.

12 Q The acoustics in this large room, it's hard to hear,
13 so if you don't hear me, let me know, and speak where they can
14 all hear you on the jury. Okay?

15 A Yes, sir.

16 Q And where are you currently residing?

17 A Presently in Oklahoma State Penitentiary.

18 Q And why are you in the state penitentiary?

19 A For eluding and burglary.

20 Q Eluding?

21 A Yes, sir.

22 Q Okay, what did you do?

23 A I got pulled over, sir, and they told me to stop and
24 I didn't, and I ran. And when I was on something, I seen a
25 four-wheeler and I jumped on the four-wheeler and I took off,

1 and they finally caught me and I'm in prison for it now.

2 Q Eluding, and stealing a four-wheeler?

3 A Yeah, I saw the four-wheeler there and I got on it
4 and left.

5 Q Okay. You are the son of Johnny Victory. Is that
6 right?

7 A Yes, sir.

8 Q And your mama was...

9 A Stella Victory.

10 Q And is she still alive?

11 A No.

12 Q And your sister is Dalinda, and your other brother
13 is Jonathan? Is that right?

14 A Yes, sir.

15 Q We're talking about something that happened way back
16 in 1987. Okay? When your dad and Sarah Raulston were murdered.
17 Do you remember that?

18 A Yes, sir.

19 Q Where had you been just prior to going back to or
20 going to Sarah's house?

21 A We was at the Pizza Hut in Idabel, eating pizza.

22 Q Idabel, at Pizza Hut?

23 A Yes, sir.

24 Q Okay, and who was with you?

25 A My brother and sister, Dalinda Victory and Jonathan

1 Victory, and Sarah Raulston and my dad, Johnny.

2 Q Okay, and I'm assuming that y'all left the Pizza
3 Hut.

4 A Yes, sir.

5 Q And where did you go to then?

6 A We went back to Sarah's store, which is right
7 outside the line.

8 Q By the state line?

9 A Yes, sir.

10 Q Okay.

11 A And we stopped there and got some munchies and
12 stuff.

13 Q Did you...

14 A And we headed on back.

15 Q Okay, whose car were you in?

16 A My father's.

17 Q And what about Jonathan and Dalinda? Who were they
18 riding with?

19 A Sarah.

20 Q Okay, and what happened when you got to the house?
21 I'm assuming you went to Sarah's house?

22 A Yes, sir. We pulled up--Sarah was in front of me
23 and my dad, and we pulled up in Sarah's driveway and it was a
24 big dog there, and my daddy told me to sit in the car. We sat
25 in the car and Sarah got out and tied the dog up, and then we

1 all--we got out of the car.

2 Q Okay.

3 A And then my daddy grabbed me and the groceries and
4 we started on up to the house.

5 Q Ummm-hmmm.

6 A And as we was going up, my daddy sat me down and I
7 could hear a shot and my daddy and Sarah fell down, and then
8 me and--I ran to the freezer. I stopped by my dad first,
9 because I didn't know--I didn't think my dad could get hurt.

10 Q You didn't think your dad could get hurt?

11 A And then there's a deep freezer in back of the
12 carport, and more eventually I ended up--I ran around to the
13 end of it in the back of the carport. Just hid my head. I ran
14 around the end of it and Jonathan was there, too.

15 Q So you and Jonathan were there by yourselves?

16 A Yeah.

17 Q Where was Dalinda? Do you remember?

18 A No, at the time I don't, because I'm scared and I
19 don't know what's going on or nothing. And as I was sitting
20 there, I saw this armadillo start to come out. The carport
21 comes in this way, and on the side of that, and the armadillo
22 comes and I look up.

23 Q What do you do after you see the armadillo?

24 A I just kind of look up to see what's going on,
25 because I'm real scared.

- 1 Q What do you see going on?
- 2 A I see two men.
- 3 Q You see two men?
- 4 A Yeah.
- 5 Q Do you know these men?
- 6 A Yeah.
- 7 Q Who do you see?
- 8 A I see Kenneth Raulston and Bill Bryant.
- 9 Q You see Bill Bryant there?
- 10 A Yes.
- 11 Q And did either one of them have a gun in their hand?
- 12 A Yes.
- 13 Q Who had the gun in their hand?
- 14 A Bill, and the other one had--one had one and the
15 other one had one, holding it like this (indicating).
- 16 Q How did you know Bill? How do you know Bill?
- 17 A From I remember seeing him and mama and my cousins.
- 18 Q He was around?
- 19 A Yeah.
- 20 Q And you're sure after all these years that it was
21 Bill Bryant that you saw?
- 22 A Well, I also had seen him around Kenneth Raulston
23 prior to my dad getting back to my mom. So he would come over
24 to our house over in Paris where Kenneth Raulston and my mom
25 lived.

1 Q Yes.

2 A And they would come over there.

3 Q Who would?

4 A Bill Bryant and Kenneth Raulston and some of their
5 friends. They would come over there when my mom got hurt, and
6 they would come over there and stay after my mom got hurt.

7 Q When you say got hurt, she got hurt because your dad
8 beat her up? Is that what happened?

9 A I guess.

10 Q All you know is she got hurt?

11 A Yeah, that's all I know. My mom was hurt.

12 Q And did you ever hear them talking when they were
13 there, talking about doing something?

14 A Yeah, they talked about killing my dad and stuff.

15 Q Did you hear Kenneth and Bill talking about killing
16 your dad?

17 A Yeah, Kenneth mostly. Kenneth was the one boasting
18 about it, because my dad pushed Kenneth to the ground a little
19 bit, you know. He was a pretty rough man, and he caught him a
20 couple of times fooling around a little bit.

21 Q Kenneth was messing with your mom?

22 A Yeah, and so Kenneth was pretty mad, I guess, at my
23 father.

24 Q Okay, and but you're sure--let me ask you this.
25 Y'all gave statements back then when you were kids. You gave

1 your statement to the juvenile probation officer, I believe.

2 A Yes, sir.

3 Q And a guy probably talked to you. In fact, then you
4 didn't say--you know, you used the word Tom. You said
5 something about Tom. Do you know a man named Tom?

6 A No, sir. Sir, the way we was raised, what I'm doing
7 now, I'm going against everything I've ever known. We didn't
8 go in there and call police. We was taught not to tell. And
9 my daddy also told us not to tell on anything, and that was a
10 big part of it.

11 Q Are you taking a big risk, you feel, by sitting in
12 that chair today, telling these people what happened?

13 A Yeah, when I get back to prison, they'll be talking
14 and they don't like snitches in the world I live in.

15 Q Let me ask you this. I think the Texas Ranger and
16 the Sheriff came up to visit you one time, and you wouldn't
17 talk to them.

18 A No, sir.

19 Q And it was found out that they had even come to
20 visit you about this.

21 A Yes, sir, they did.

22 Q Did you get a visit then?

23 A Yes, they called me a day and a half, two days
24 later. I went to the bathroom and here come the Brotherhood.
25 They come in...

1 Q You say the Brotherhood. What does that mean?

2 A It's the Aryan Brotherhood. The Aryans, and they
3 had got word how the Texas Rangers come up and talked to me
4 about all this, and they called me a snitch so I started
5 fighting. I got a pretty good stomping over that, and that's
6 what happened on that deal.

7 Q Okay. Nobody promised you anything? You're not
8 getting anything out of this. Why are you testifying,

9 A He killed my daddy, you know.

10 Q Is that the man sitting over here next to this
11 lawyer that killed your dad?

12 A Yeah.

13 Q May the record reflect he identified the defendant
14 as the man who killed his father?

15 THE COURT: Ladies and gentlemen, the record
16 will so reflect.

17 Q I pass the witness.

18 CROSS EXAMINATION

19 BY MR. MEEHAN:

20 Q Mr. Victory, how old are you sir?

21 A Excuse me, sir?

22 Q How old are you?

23 A I'm twenty-nine as of yesterday.

24 Q And you say you're in prison for eluding and
25 burglary. Is that right?

1 A Yes, sir.

2 Q And the first time you went to prison was what,
3 2003?

4 A Yes, sir.

5 Q And that was for false impersonation?

6 A Yes, sir.

7 Q Was that in Oklahoma?

8 A Yes, sir.

9 Q And you went to prison in 2004 for carrying a
10 firearm during probation.

11 A No, sir, when I went down the first time, I went on
12 carrying a firearm, also.

13 Q You got two years and four years?

14 A All of them CC.

15 Q And another four years for knowingly concealing
16 stolen property.

17 A Yes, sir.

18 Q And then in November of 2005, you got twelve years
19 for grand larceny. Is that right?

20 A Yes, sir.

21 Q That's a theft, stealing stuff.

22 A Yeah, stealing.

23 Q And then you got five years for grand larceny at the
24 same time. Is that right?

25 A Yes, sir.

1 Q And five years for second degree burglary at the
2 same time.

3 A Sir, I have to go back on the five years. I got
4 twelve years on all my cases when I was eluding. I don't know
5 where the five come from, but it's all twelve. It's all
6 seventeen, and I got twelve and five years probation.

7 Q In Oklahoma I think you get probation after you have
8 been in the penitentiary. Is that right?

9 A Yes, sir.

10 Q I'm just looking at the different offenses, and I
11 understand they are all running at the same time or running
12 concurrently; but there was two grand larceny, two second
13 degree burglary, burglary of an automobile, eluding or
14 attempting to elude a police officer for five years and the
15 same offense for twelve years. Then a second degree burglary
16 for twelve years and another second degree burglary for twelve,
17 burglary of a motor vehicle for twelve years, and then they've
18 got something here for felon with a firearm. Does that all
19 sound familiar to you?

20 A Yes, sir.

21 Q And do you remember giving a statement initially,
22 after your father was killed, like the next day or two?

23 A In the statement--I don't remember much of a
24 statement.

25 Q Do you remember doing that, though?

1 A Yeah, I remember talking to officials and stuff.

2 Q And that was just a day or two after it happened.

3 A I don't know if it was a day or two or what, but I
4 remember doing it.

5 Q Did they talk to you more than once?

6 A Yes, sir.

7 Q And at that time you were eight years old. You
8 weren't a guy that had been to prison two or three times at
9 that point. Is that right?

10 A That's right.

11 Q And you don't remember telling them that Kenneth
12 Raulston was there?

13 A Excuse me, sir?

14 Q Do you remember telling them that Kenneth Raulston
15 was there?

16 A Yes, sir.

17 Q Do you remember telling them that Tom was there?

18 A Yes, sir.

19 Q And did you ever tell them that Mitchell Dickey was
20 there?

21 A Yes--I don't remember, sir, about Mr. Dickey.

22 Q Did you know Mr...

23 A Yes.

24 Q Dickey?

25 A Yes, sir.

1 Q And you have never told anybody that Bill Bryant was
2 involved until today? Is that right?

3 A Excuse me, sir?

4 Q Have you told anybody this story that Bill Bryant
5 was involved in this thing until today?

6 A No, sir, I told my aunt. My aunt that got us back,
7 my Aunt Pat. My dad's sister. I told her. She contacted
8 people, I guess, and told them, and I told my psychiatrist.

9 Q Your psychiatrist?

10 A Yeah.

11 Q And you loved your daddy, obviously.

12 A Yes, sir.

13 Q You would like to get back at whoever hurt him.

14 A Not to get back, sir, no. Just for them to pay for
15 what they did. I don't want to get back at nobody, sir.

16 Q Thank you, Mr. Victory. I'll pass the witness.

17 MR. VARLEY: No further questions.

18 THE COURT: Sir, you may stand down. Call your
19 next, Mr. Varley.

20 MR. VARLEY: I call Janie Mussett.

21 **J A N I E M U S S E T T**

22 having been first duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. VARLEY:

25 Q State your name, please.