

1

10 sheets

Statements from Lawyers.

2

The following is statement that was given by David Pages lawyer that he did have a plea bargain.
This is also a statement made by Clintons trial lawyer that he was not made aware of any deals given to any witness.
As you previously read, there was an order by the judge for the prosecution to do such.

LAW OFFICE

H. W. LEVERETT, JR.

FILED

2004 JAN -5 AM 9:51

ONE WALL PLAZA

308 W. WALL, SUITE 1380

MIDLAND, TEXAS 79701-8118

December 29, 2003

CLERK, P.O. BOX 10808
MIDLAND, TEXAS 79702-7808

PHONE (432) 683-3333
FAX (432) 683-3808

Hon. Willie B. DuBose
385th Judicial District Court
Midland County Courthouse
200 West Wall
Midland, Texas 79701

Re: Cause No. CR-27,270; *State of Texas v. David Lee Page*; 385th Judicial District Court, Midland County, Texas

Dear Judge DuBose:

Enclosed is a summary of my time and expenses in the captioned case. Please allow me to explain my expenses.

As you will recall, this was the companion case to the Clint Young capital murder case, tried this past year in Judge Hyde's court. Although David Page was never indicted for capital murder, there was a time when it looked like he would be. Even after it became apparent that Al Schorre would only pursue murder and aggravated kidnapping charges, I believed that the notoriety garnered by the Clint Young capital murder trial, together with the particular facts of this case (the murder of Doyle Douglas in East Texas, followed by the kidnapping of Sam Petrey in Eastland, and his eventual murder in Midland) meant that if Page was found guilty, he would likely be assessed a very stiff sentence, absent compelling mitigation evidence.

Because I believe mitigation was so important, I took the liberty of hiring (without prior court approval and out of my own pocket) Ms. Jane McHan as a mitigation investigation. Ms. McHan is a licensed master social worker out of Abilene, Texas and has received training as a capital mitigation investigation by the Texas Defender Service. I worked briefly with Ms. McHan when I was appointed by Judge Brock Jones to represent a death row inmate out of Pecos County in Article 11.071 post conviction habeas corpus proceedings.

I sent Ms. McHan my file on Mr. Page, and had her review it. I then had Ms. McHan come to Midland for a lengthy interview of Page, during which she took a detailed social history. Ms. McHan also called Page's parents, in an attempt to gather mitigation evidence from them.

Hon. Willie B. DuBose
December 29, 2003
Page 2

Even before the Clint Young case went to trial, Al Schorre discussed a plea bargain offer "in the thirty-five year range", in exchange for Page's testimony as a state's witness against Clint Young. In my opinion, David Page was the single most important witness for the state in that trial. I had hoped that his cooperation would earn him the gratitude of the D.A.'s office, and would earn him a plea offer in the fifteen to twenty year range. After the Clint Young trial, Page consistently refused a plea offer of thirty-five years to aggravated kidnapping. At the last pretrial conference, you then imposed a plea deadline of December 15 at 5:00 p.m. Immediately after that pretrial conference, Schorre came down to thirty years, but Page did not accept this plea offer until 4:45 p.m. on December 15.

I hope I have given you some sense of why it so important to enlist the assistance of Ms. McHan and Ms. Baker. If you have any additional questions about my expenses or time, please call.

Sincerely,



H.W. Leverett, Jr.

HWL:npb

enclosure

DECLARATION OF H.W. "WOODY" LEVERETT, JR.

I, H.W. "WOODY" LEVERETT, JR., declare as follows:

1. I have been a criminal defense attorney in the State of Texas since 1979 and am currently license to practice law in Texas and the U.S. District Court for the Western District of Texas.

2. On December 10, 2001, I was appointed by 238th District Judge John G. Hyde to defend David Lee Page in a capital murder case in Midland County, Texas.

3. Beginning in February, 2002, I attended at least three meetings with the Midland County District Attorney and staff about David Page's case, in an attempt to secure a plea agreement that would allow Page a reduced sentence, in exchange for his testimony against co-defendant Clinton Young.

4. During the first of the meetings on February 5, 2002 District Attorney Schorre said he would offer Page "around 30 years" but in any event "a minium of 15 years" on a charge of murder, provided (1) a polygraph examination absolved Page of Sam Petrey's murder, and (2) Page testified against Clinton Lee Young. D.A. Investigator J.D. Luckie also attended this meeting.

5. Throughout these discussions, I was attempting to get the best deal I could on behalf of my client in exchange for his testimony against Young. Although Page failed the polygraph, the District Attorney never told me he was withdrawing the "plea offer," nor did he ever convey to me that the polygraph results nullified the "plea offer". In my mind, the District Attorney had verbally committed to a plea offer in the 15 to 30 year range, provided that Page did not throw the prosecutors a curve ball when he testified. The only open questions were what the final offer would be, in terms of years, and whether Page would accept that plea offer. I kept Page informed of all plea offers of

the State, and all plea discussions with the prosecutors.

6. According to my notes, on March 24, 2002, David Page and I met with First Assistant D.A. Teresa Clingman, D.A. Investigator J.D. Luckie, and Sheriff's Deputy Paul Hallmark. At this meeting, Page recounted the events surrounding the killing of Doyle Douglas in East Texas, and briefly described the kidnapping of Sam Petrey and the trip to Midland.

7. On January 12, 2003 I attended another interview of David Page - this time by District Attorney Al Schorre, A.D.A. Clingman, and Investigator Luckie. At this meeting, the prosecutors and investigator asked specific questions about aspects of the case, the evidence, and the chain of events. Schorre told us that he expected the testimony to begin on February 23 or 24, and that Page would not be the first witness, but would be somewhere in the middle of the State's case.

8. On April 15, 2003, District Attorney Schorre offered Page a 35 year sentence on a plea to Aggravated Kidnapping, rather than the 15 to 30 years that had been previously discussed.

9. On May 1, 2003, District Attorney Schorre phoned me about moving Page's case to a conclusion. I told Schorre that my client would agree to a 15-year sentence. Schorre rejected my proposal, and said my client and I might as well get ready to try the case. I remember being angry with the prosecutor, because I believed my client had testified for the State exactly as he had been expected to, and I felt we had been led to believe we could very likely receive a plea offer well below 30 years.

10. On December 16, 2003, my client pled guilty to aggravated kidnapping. He received a 30-year sentence, and is now serving time in a Texas state prison.

I declare under penalty of perjury under the laws of the State of Texas that the foregoing is true and correct to the best of my knowledge and that this declaration was executed this 26th day of September, 2008 in Midland, Texas.

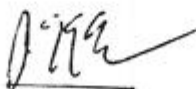


H.W. LEVERETT, JR.

DECLARATION OF PAUL WILLIAMS

I, Paul Williams, declare as follows:

1. I was the lead attorney on Clinton Lee Young's capital trial case. I was appointed by Judge Hyde on December 19, 2001.
2. My co-counsel on the case was Ian Cantacuzene. My paralegal was Nancy Baker Piette.
3. Based upon the Midland County District Attorney's open file policy, I reviewed the DA file on numerous occasions up until the time of trial.
4. During the times I reviewed the Midland DA file, I never saw any documents, notes, or writings regarding a plea deal or plea discussions involving Mark Ray and/or David Page and the State.
5. If I had known that the State was in plea discussions with Ray and/or Page, I would have vigorously cross examined them about the deals, using the plea discussions as impeachment evidence.
6. If this information had come out during my cross-examination of Mark Ray and/or David Page, I would have asked the judge for a mistrial based on government misconduct, as the prosecution had testified under oath during pre-trial motions that no plea agreement had been reached, and that no plea discussions had occurred.
7. If the motion for mistrial had been denied, I would have addressed the misconduct during my closing argument to the jury stating that the jury should be skeptical of the State's case against Mr. Young as the government had lied about one or two of its main


PW

witnesses. I also would have argued to the jury that Ray and/or Page's testimony was not credible based upon the fact they were receiving reduced sentences for their testimony.

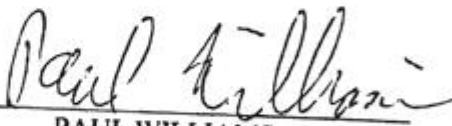
8. I also would have attempted to bleed Ray and/or Page's plea discussions with the credibility of Darnell McCoy, who was also with Mr. Young the night of the Douglas crimes.

9. If I had learned that Ray was in plea discussions with the State, I would have contacted Pages's attorney and asked again whether Page too was involved in plea discussions with the State.

10. If I have learned that Page was in plea discussions with the State, I would have contacted Ray's attorney and asked again whether Ray too was involved in plea discussions with the State.

11. If this information had come to my attention before the start of trial, I would have asked the prospective jurors how they would react to someone who received a back hand deal with the State.

I declare under penalty of perjury under the laws of the State of Texas that the foregoing is true and correct to the best of my knowledge and that this declaration was executed this day of March, 2009 in Midland, Texas.


PAUL WILLIAMS


PW

VERIFICATION

STATE OF TEXAS

COUNTY OF MIDLAND

BEFORE ME, the undersigned authority, on this day personally appeared Paul Williams, who by me duly sworn, deposed as follows:

My name is Paul Williams. I was lead trial counsel for Clint Young on his capital murder trial and I am qualified in all ways to make this affidavit. I have read the above "Declaration of Paul Williams" and all allegations of fact contained therein are within my personal knowledge and are true.

SIGNED on the 10 day of March, 2009.

Paul Williams
Paul Williams

SUBSCRIBED AND SWORN TO BEFORE ME on the 10th day of March, 2009.

Nancy L. Piette
Notary Public, State of Texas

My commission expires:

