

time. The defense requested copies of any 911 tapes that existed. The State informed the defense in a pre-trial hearing that there were none.

Some time after the trial began, the defense became aware of the existence of two 911 tapes, one of a call made by Mr. McGaughey and another made by Adams. Obviously, after the disclosure of McGaughey's initial, but withheld, statement to Officer Freeman, the defense became aware of the significance of the 911 tapes. They became aware that Adams did not just **report** a murder to the police, he confessed to the murder.

The trial transcript reflects trial counsel, Paul Brauchle's, discovery request for these tapes.

MR. BRAUCHLE: Also, in that regard, in regard to Off. Trippel's testimony, it would seem that there were two 911 tapes that were made, which are given service numbers, Dallas Service Number 251842-F, and 251908-F, one being the 911 call of Mr. McGaughey, and the other one being the 911 call of Adams.

We would request to be provided with those at this time, also. And that the first – we had asked if 911 tapes existed prior to the start of trial. We were told that there were none, but this would seem that there – there are 911 tapes in existence, and we would ask to be provided with those under exculpatory evidence rules.

THE COURT: All right. Mr. Davis, I just have a few questions in that regard. Investigative work (obtaining the exculpatory from Mr. McGaughey) that was in question. Do you know of any 911 tapes that exist today?

MR. DAVIS: No, Your Honor, I do not.

THE COURT: Did any 911 tape exist at the time of the pretrial hearing in regards to that request?

MR. DAVIS: I can say this to the Court: That I know that a 911 tape did exist at one point. Det. Trippel and Marshall had informed me, when I asked them for that 911 tape, they informed me that they brought that up there to the front desk of our office on the 11th floor. We have inquired of the receptionist up there on the 11th floor, and she has stated to us that she did not receive any 911 tapes. We have checked everywhere that we can possibly check. I have never been in possession of the 911 tape, and, again, talking about Detectives Trippel and Marshall, they are no longer in possession of the tape, so I don't know where it is. I have never seen it.

They say they delivered it to our office, but our office has no record of receiving it, so at this point, I don't know that it exists.

RR. 46, pp.83-84.

The trial transcript makes clear, the State, either through the police department or prosecutor's office, had possession of two 911 tapes which were inculpatory to Adams and exculpatory to Wright. The State never disclosed to the defense that such 911 tapes existed. Instead, when the defense found a reference to the tapes during the trial, the State claimed to have misplaced the tapes. Certainly, after discovering McGaughey's first statement to Officer Freeman, these tapes, more likely than not, must have contained evidence favorable to Wright. The State was obligated by *Brady* to notify the defense of the existence of these tapes and to turn the contents of the tapes over to the defense. Clearly, this was never done.

Like McGaughey's convenient disappearance at the time of trial, when the defense finally became aware of the existence of the 911 tapes, they also disappeared. The tapes now corroborate Adams's recent recantation. If the defense had been given the 911 tapes prior to trial, the tapes could have been used to point the finger at the actual killer – Adams. The tapes could have been used to impeach the self-serving statement Adams made to Det. Trippel, placing all the blame for the murder on Wright. Certainly, if the tapes memorialized the substance of McGaughey's statement to Officer Freeman, the tapes could have been used to confirm that Wright was not the primary actor.

**The State's Suppression of the Materials Belonging to Adams
that were Found in the Beckley Shack.**

The DeSoto Police Department raided a shack located in the 700 block of N. Beckley in DeSoto and found evidence the State used to link Wright to the murder. RR. 46, p. 22. The State found several pairs of jeans in the Beckley shack. RR. 46, p. 29. Among the jeans found at the Beckley shack were the Umen jeans, which contained Ms. Vick's blood on the leg and crotch area. RR. 47, p. 145. DSPD also found a knife inside the Beckley shack. A knife block with knives that belonged to Ms. Vick were also found just outside the Beckley shack. RR. 46, pp. 30, 33, 43-44. Finally, the State found a dinner plate that belonged to Ms. Vick at the Beckley shack. RR. 46, p. 29-30.

The Umen jeans were a crucial part of the State's case against Wright. The State had to link the Umen jeans to Wright in order to paint him as the primary perpetrator of the crime. The State made the connection between Wright and the Umen jeans by falsely arguing that everything found in the Beckley shack belonged to Wright. The State used the testimony of Lt. Pothen, the DSPD officer in charge of the investigation, to cement its argument that Wright controlled the Beckley shack:

Q: Following your conversation with John Adams, did you – did you order the tactical unit of the DeSoto Police Department to go to a location?

A: Yes.

Q: And what location did you order them to go to?

A: To a – to a shack in about the 6 to 700 block of North Beckley in a – in a field.

Q: Okay. Is this behind a K-Mart?

A: Yes.

Q: At some point did you also go to that shack?

A: Yes.

Q: And was Gregory Edward Wright arrested at that location, sir?

A: Yes, he was arrested by the tactical unit.

RR. 46, p. 22.