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Transcript of last week's Broussard hearing printed in full State asks Broussard: "You paid to yourself \$16,264.99;" Broussard answers: "Yes, sir."

THE STATE OF TEXAS
VS.
JIM BROUSSARD
IN THE DISTRICT COURT
IN COLORADO COUNTY, TEXAS
25TH JUDICIAL DISTRICT

STATEMENT OF FACTS
Before the Honorable THOMAS D. BLACKWELL, Judge

APPEARANCES

Attorney for the State of Texas:
JIM VOLLERS
Attorney at Law, Centre 1, Suite 222
3103 Bee Caves Road, Austin, Texas 78746

Attorney for the Defendant:
HOUSTON MUNSON
Attorney at Law, 1606 North Sara Dewitt Drive
Post Office Box 99, Gonzales, Texas 78629

BE IT REMEMBERED on the 10th day of December 1987, came on to be heard the above entitled and numbered cause, whereupon the following proceedings were had:

THE COURT: At this time I call Cause No. 95,087, the State of Texas versus Jim Broussard.
Do I hear announcements?
MR. VOLLERS: State's ready, Your Honor.
MR. MUNSON: Defendant, also.
THE COURT: All right. You may come forward, Mr. Broussard. This is Cause No. 95,087. You are the defendant, Jim Broussard?
MR. BROUSSARD: Yes, sir.
THE COURT: You are represented by Mr. Houston Munson who is present in court?

MR. BROUSSARD: Yes, sir.
THE COURT: And the State is represented at this time by Mr. Jim Vollers, present, correct?
MR. VOLLERS: Yes, sir.

THE COURT: The indictment in this case charges official misconduct in terms of indictment; alleges that on or about the 15th day of July, 1986 that you misapplied some property belonging to the County of Colorado in the amount that would make it a third degree felony.

Do you waive the reading of the indictment because you understand what's charged against you?

MR. BROUSSARD: Yes, Your Honor.

THE COURT: And to the indictment how do you plead?

MR. BROUSSARD: Nolo contendere, Your Honor.

THE COURT: Your plea of nolo contendere is not based on any persuasion, any defensive hope of pardon; nobody has promised you anything and made you enter such plea? You are entering your plea simply because you don't desire to contest the facts that are alleged in the indictment; is that right?

MR. BROUSSARD: That is correct, Your Honor.

THE COURT: Now, you understand that on all pleas of guilty and nolo contendere you're entitled a jury trial unless you waive that in writing; you are entitled to be confronted with the witness against you; you have the constitutional right against self-incrimination; that any recommendation by the prosecuting attorney as to punishment is not binding on the Court. But I'll ask you attorneys.

Is this a negotiated plea?

MR. MUNSON: Yes, sir, it is.

THE COURT: And I'll ask you, Mr. Jim Broussard. Were the negotiations carried on with your consent and approval?

MR. BROUSSARD: Yes, sir.

THE COURT: And you understand that the Court cannot follow the recommendation or set aside the plea; if I do follow the recommendation, you're waiving your right of appeal?

MR. BROUSSARD: Yes, sir.

THE COURT: I see that after consulting with your attorney you have filed a jury waiver. You have filed an agreement to stipulate testimony. The Court will consent and approve both the waiver of the jury and the agreement to stipulate testimony and has done so in writing.

Your attorney indicates he has filed an application for probation for you and indicates you desire to testify on your own behalf. If so, you may raise your right hand and be sworn at this time.

JIM BROUSSARD,
the witness hereinbefore named, being first duly cautioned and sworn to testify, "the truth, the whole truth and nothing but the truth," testifies as follows:

DIRECT EXAMINATION

QUESTIONS BY MR. MUNSON:
Q. Your name is what, sir?
A. Jim Broussard.
Q. And you presently hold an elective office here in Colorado County?
A. Yes, sir.
Q. And what is that?
A. Sheriff.
MR. MUNSON: Pass the witness.

CROSS EXAMINATION

QUESTIONS BY MR. VOLLERS:
Q. Sheriff Broussard, you were sheriff of Colorado County, Texas in July of 1986; is that correct?
A. Yes, sir.

Q. And you're acknowledging to the Court that the allegations in the indictment are true and correct?
A. Yes, sir.

Q. Sheriff Broussard, I will ask you whether or not on or about the date alleged in the indictment in Cause No. 95-87, which is now pending before the Court, if the allegation of that — if on or about the 1st day of July, 1986 you paid to yourself a sum of \$16,264.99 for forfeiture of funds belonging to the sheriff's office of Colorado County, Texas?

A. Yes, sir.
Q. And that was not an authorized expenditure under Article 2368-A.5, competitive bidding requirements?

A. No, sir.
Q. And it was not an authorized expenditure under Article 4476-15 of Vernon's Annotated Civil Statutes?

A. No, sir.
Q. The Court has asked you if this was a negotiated plea. Do you understand the terms of the plea?

A. Yes, sir.
Q. Sheriff, do you understand that a part of this plea bargain, of course, is your entry of this plea today and that you will resign as sheriff of Colorado County, Texas?

A. Yes, sir.
Q. And I understand you will submit that resignation today at the request of Commissioners' Court, that it be effective as of the 20th day of —

A. 28th day of —
Q. 28th day of December, 1987?

A. Yes, sir.
Q. And as a part of that plea bargain agreement you have agreed that you will not file for election to the office of sheriff, run or serve as sheriff of Colorado County, Texas?

A. Yes, sir.
Q. And of course that it is by your agreement and as part of this plea bargain that you will not attempt to appeal or give notice of appeal or file a motion for new trial in this cause?

A. No, sir.
Q. And you understand also as a part of the plea bargain agreement that the State will recommend to the Court that it does not oppose conviction by the Court under the terms of Section 12.44 of the Penal Code of your conviction as a Class A misdemeanor in this case?

A. Yes, sir.
Q. I recommend the punishment which has been agreed upon, which is confinement in the County jail for a period of one year and a fine of \$500; that you be placed on probation as to the fine and jail time for a period of one year.

A. Yes, sir.
Q. And also as a part of this plea bargain the State will file a motion to dismiss the other five indictments pending against you in this district court as of January 15th, 1988 upon the carrying out of all the terms of this plea bargain by you.

A. Yes, sir.
MR. MUNSON: And there will be no further attempts of prosecution under the same set of facts and circumstances.

MR. VOLLERS: Well, that's —
MR. MUNSON: You're not going to come and —

MR. VOLLERS: No.
MR. MUNSON: That's part of the —

MR. VOLLERS: No. Part of the completion of plea bargain.
MR. MUNSON: Yes, Sure.

MR. VOLLERS: Of course not.
THE COURT: Sheriff, under the indictment as it was presented by the Grand Jury the charge is a third degree felony. And the punishment range for a third degree felony is confinement in the penitentiary for not less than two years, or more than 10 years and by a fine not to exceed \$5,000.

In the event this is reduced to a Class A misdemeanor, which the Court has the authority to do under its provision of Article 1244 of the Penal Code, the punishment range could be confinement in the jail for up to one year and a fine up to \$2,000.

Knowing the punishment range in this case, you still desire to enter your plea of guilty?

THE WITNESS: Yes, I do, Your Honor.

MR. MUNSON: It's nolo contendere. Your Honor. I'm sorry.

THE COURT: I'm sorry. A plea of nolo contendere. Do I hear a recommendation?

MR. VOLLERS: Your Honor, the Court has no opposition for the Court finding the defendant guilty of a Class A misdemeanor under terms of Article 1244 — or Section 1244 of the Penal Code.

And in the event the Court does so find, the State would recommend confinement in the County jail for a term of one year and a fine of \$500 per recommended; that the defendant be placed on probation and the fine and jail term be suspended during the terms of the probation.

THE COURT: Mr. Munson, what do you say concerning the recommendation?

MR. MUNSON: That was the plea bargain, the agreement. And we accept same.

THE COURT: And I'll ask you, Mr. Broussard. You understand fully what we are doing here today and desist me with your consent and approval?

THE WITNESS: Yes, Your Honor.

THE COURT: Are you asking me to accept the plea of nolo contendere and to abide by the negotiated plea?

THE WITNESS: Yes, Your Honor.

THE COURT: Your plea of nolo contendere will be accepted. I will follow the recommendation of the attorneys. They worked out a negotiated plea.

Under the provisions of 1244 of the Penal Code I find that you are guilty of a Class A misdemeanor, official misconduct.

Your punishment is assessed at one year in the Colorado jail and a fine of \$500. I will accept the recommendation that the both jail sentence and the fine be probated.

Do you have anything to say why you should not receive the probated sentence at this time?

THE WITNESS: No, Your Honor.

THE COURT: Does anybody desire a probation report?

MR. MUNSON: No, Your Honor. We waive that.

MR. VOLLERS: No, Your Honor.

THE COURT: Waiving the probation report then, your punishment assessed at one year in jail and a fine of \$500 will be probated on the following terms and conditions: You obeyed orders of the Court and the probation officer; commit no offense against the laws of this state or any state of the United States; avoid injurious or vicious habits upon a person or place that is disruptive or harmful character; report to the probation officer directly; permit the probation officer to visit you at your home or elsewhere; work faithfully in suit of employment; do not change employment or place of residence without the permission of the probation officer; remain within Colorado County unless permitted to part.

I support your dependence to pay the court costs in this case. I'll waive the supervisory fee.

MR. MUNSON: There is no restitution, Your Honor.

MR. VOLLERS: There is no restitution, Your Honor. The Commission-ers' Court is not seeking restitution in this matter.

THE COURT: No restitution? All you'll have to pay then is the court costs. At this time then you'll be remanded to the probation officer who will give you a copy of the written — well, I guess I've got it here.

In absence of the probation officer the Court will hand you a copy of the conditions of probation.

MR. VOLLERS: One small matter, Your Honor. You referred to this cause number as 95,087. I believe the number is 95-87.

THE COURT: Thank you very much. It is. The correct number is 95-87.

MR. VOLLERS: I will at this time file with the clerk, Your Honor, a motion to dismiss the remaining five cause numbers which are listed.

And this motion to dismiss, of course, is conditioned, it requests the Court that it be dismissed on January 15th, 1988 upon the condition that all of the plea bargain agreement is carried out, but not be dismissed prior to that time.

THE COURT: I will see that they are dismissed on that day.

MR. VOLLERS: All right.

MR. VOLLERS: Does the Court need us for anything else?

THE COURT: Not a thing.

MR. VOLLERS: May I be excused?

THE COURT: Yes, sir.

MR. VOLLERS: Thank you.

MR. MUNSON: Thank you.

Colorado County Courthouse Report

MARRIAGE LICENSES
Valentin Cerna, 58, and Juana Benitez, 35.
James Doug Hartley, 29, and Stephanie Ann Schneider, 26.
David Mariano Chapa, 16, and Angela Garza, 22.
Henry Pollock Jr., 27, and Sandra Michelle Chapa, 20.
Albert Delgado, 24, and Leticia Rivera, 22.
Michael Cardenas, 30, and Elizabeth Ann La Mont, 28.
Russell Parks, 36, and Gail Laraine Jaeger, 34.

DIVORCES FILED
Billie Jean Case and James I. Case, filed 12-4-87.
Nello Strickland and Peggy Lynn Henze Strickland, filed 12-8-87.
Robbie Jim Cochran and Jean Marie Cochran, filed 12-10-87.
William E. Markwood and Jacqueline M. Sutvack Markwood, filed 12-11-87.

DISTRICT COURT CASES FILED
Tramel Inc., dba T Inc. and The Hammer Co. vs. Fred Cantu, individually and dba Cantu Trucking Co. and Douglas Searles, damages; filed 11-30-87.
Sher-Tex Inc. vs. Geoland Inc., suit on account, filed 12-4-87.

REAL ESTATE DEEDS
Deed, Corliss Lynn Steinmann to Jay Nyles Steinmann, und. mineral int. in 804 acres, M. Muldoon Survey No. 29, at al Colorado and Lavaca Counties; 11-30-87.
Deed, Charles DeHaven and Mavis Marie Coy to West Texas Rehabilitation Center, Inc., 10 acres; 11-30-87.
Deed, Community American Mortgage Corp. to Community Savings and Loan Association, lot 46, block 3, The Falls Subdivision Section 1; 11-30-87.
Deed, Community American Mortgage Corp. to Community Savings and Loan Association, lot 46, block 3, The Falls Subdivision Section 1; 11-30-87.
Deed, James P. Berger to Rickie Kay Berger, 25 acres, L.R. Chaney 1/3 Lease; 11-30-87.

OIL, GAS LEASES
Mattie Coleman, Howard Elsworth Coleman, et al, to Lemarato, Ltd., 21.82 acres, GC&SPFR Survey; 11-30-87.
Louis Coleman Simonson to Lemarato, Ltd., 21.82 acres, GC&SPFR Survey; 11-30-87.
Edna Marie Black Clark to Lee Reese, 9.9 acres, Thomas Cartwright Survey; 12-3-87.

Katherine Dromgole Baker to Lee Reese, 3.44 acres, Thomas Cartwright Survey; 12-3-87.
Deborah Simmons to Lee Reese, 4.05 acres, Thomas Cartwright Survey; 12-3-87.

Gloria Cathan Powell to Lee Reese, 3.44 acres, Thomas Cartwright Survey; 12-3-87.
Denise Simmons to Lee Reese, 4.05 acres, Thomas Cartwright Survey; 12-3-87.

Vickey L. McGasky to Lee Reese, 9.9 acres, Thomas Cartwright Survey; 12-3-87.
Myrtle M. Black to Lee Reese, 9.9 acres, Thomas Cartwright Survey; 12-3-87.

Hazel Black Brown to Lee Reese, 9.9 acres, Thomas Cartwright Survey; 12-3-87.
Judith Ann Elkins to Lee Reese, 6.88 acres, Thomas Cartwright Survey; 12-3-87.

Gift Deed, Henry Chamberlin to Violet E. Chamberlin, und. int. in two tracts in B&GNR Survey No. 67, et al; 12-1-87.
Deed, Judy Jokin Richardson Dudson, et al, to Kent Dark and Gary Schenk, 33.75 acres, W.W. Thompson Lease; 12-2-87.

Deed, The John W. Meeson Co. to Texas Commerce National Bank Association, 160 acres, SA&MGR Co. Survey No. 11; 12-2-87.
Gift Deed, Joe W. Wegenhoff to Wm. David Wegenhoff and Joe J. "her Wegenhoff."

husbands were hunting in Mason together. They later caught a train at Laredo and went to Monterrey where Carol Edwards and one of Carol's friends went to Laredo to while their bridge.

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Christmas party guests

Ray Nutt and his wife of Columbus were guests of honor of the Colorado County Peace Officers Association last Friday evening at the annual Christmas party. Texas Ranger Nutt is being transferred to Athens next month.

Local delegates attend convention

Thirteen voting delegates representing Colorado County Farm Bureau recently participated in the 54th annual Texas Farm Bureau convention November 29 through December 2 in Lubbock.

Those attending were Mr. and Mrs. Harry Engstrom, Mr. and Mrs. Bob Stallman, Mr. and Mrs. Ewald Friedrich, Mr. and Mrs. James Clippson Jr., Mr. and Mrs. Willie Fuchs, Mr. and Mrs. Max Dittmar and John Engstrom.

Policies directing the state's largest farm organization were adopted by more than 1,100 delegates from 216 organized Farm Bureaus. Approved recommendations on national policies will advance to the American Farm Bureau Federation annual meeting January 10-14 in New Orleans.

This year's youth winners were Lindsay Shutt of Edna, 1988 Miss Farm Bureau; Angie Diamond of Hopkins County, talent find winner, and Kelli Wood of Hudspeth County, free enterprise speech winner. Named "outstanding young farmer/rancher of 1987" was Dan Smith of Lockney.

Teen health fair set January 9
Rice High School's Home Economics Department and Future Homemakers chapter are sponsoring a teen-health/wealth fair on Saturday, Jan. 9 at Eagle Lake Middle School.

Several hundred junior and senior high students, their parents and other interested adults have been invited. Emphasis of the project is on maintaining good health for that may be considered a person's greatest wealth.

Plans are to have an "open house" from 9-10:30 a.m., followed by "booster shots" (workshops) from 10:30 to noon. A well known speaker in the area of family communication will offer a general presentation from noon to 1 p.m.

About town...

*Tuesday bridge club members Lada Bales, Stephanie Sanderman, Robin Thomas, Marilyn Thomas, Carol Edwards and one of Carol's friends went to Laredo to while their bridge.

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Christmas is a word that everyone knows... a word that Christians have used throughout the world for almost 2,000 years to identify the birthday of Jesus Christ.
Christmas is a beautiful word... a word with many magnificent meanings... gives you a magical feeling when you say it and warm, wonderful memories when you hear it. "For 'tis a word of reverence, and even after 2,000 years of wear and aging, it still sounds for 'all things good'."
We wish you "all things good" for this Christmas and every Christmas to come... we're your neighbors at The First National Bank.

Join us Monday, December 21 through Thursday, December 24 as we share these holidays with you by offering hot cider and Christmas confections.

There will also be an Appreciation Reception Honoring Earl H. Rodgers upon his retirement after 17 years of service Tuesday, December 22nd, 10 a.m. to 2 p.m.

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