



DALLAS COUNTY
DISTRICT ATTORNEY
JOHN VANCE

PRESS RELEASE

STATE OF TEXAS
VS.
JOYCE ANN BROWN
CAUSE NUMBER F80-09798-H

The Dallas County District Attorney's Office has this date submitted a Motion to Dismiss in the above case in the Criminal District Court of Dallas County.

This office has taken this action at this time because we do not have sufficient evidence to go forward with the trial of Ms. Brown at this time.

There being no statute of limitations on the crime of murder, this office will continue the investigation in this case.

NO. W80-09798-H (B)

EX PARTE	§	IN THE CRIMINAL DISTRICT
	§	COURT NO. 1 OF DALLAS
JOYCE ANN BROWN	§	COUNTY, TEXAS

AFFIDAVIT OF FACT

I, Norman Kinne, being duly sworn, do depose and state the following:

My name is Norman Kinne. I am an Assistant Criminal District Attorney for Dallas County. I was one of the two prosecutors who represented the State in State v. Joyce Ann Brown, Cause No. F80-9798-MH, heard in Criminal District Court of Dallas County, Texas, in October, 1980.

Joyce Ann Brown was convicted of aggravated robbery in Cause No. 80-9798-H (B) and received a life sentence, in October, 1980.

This conviction was based principally upon the testimony of the Complainant and Martha Jean Bruce.

The testimony of Martha Jean Bruce was introduced in rebuttal by the State, to rebut the Applicant's defense of alibi, and was very helpful in obtaining this conviction and sentence.

Martha Jean Bruce was arrested in Dallas, Texas on July 15, 1979, for making a false report to a police officer. On March 13, 1980, Martha Jean Bruce pled guilty before the Court in Dallas County, Texas to charges that she knowingly and intentionally made a report to a peace officer of an incident within the officer's

concern, namely a theft, knowing the incident did not occur. Punishment was assessed Martha Jean Bruce by the Court at confinement in the Dallas County Jail for 10 days.

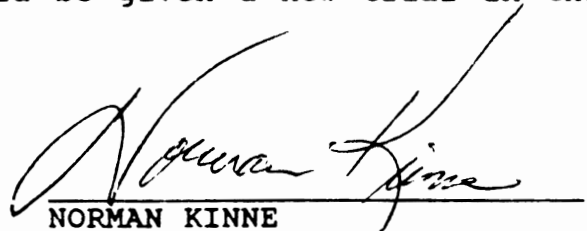
Martha Jean Bruce testified in Joyce Ann Brown's trial within 6 months of the date of this false report conviction.

Martha Jean Bruce gave false testimony under oath in open court by failing or refusing to reveal this relevant and material conviction to the jury, when questioned by the defense counsel.

This conviction of Martha Jean Bruce was a matter of official record within the Dallas County District Attorney's Office and was available at the time of Joyce Ann Brown's trial but was not made available or given to counsel for Joyce Ann Brown.

The State, by and through the Dallas County District Attorney's Office, should have known of the existence of this conviction and should have provided this information to counsel for Joyce Ann Brown at trial, although the prosecutors and investigators involved in this trial had no actual knowledge of this conviction, despite substantial good faith efforts to determine the extent of Bruce's criminal record.

Applicant Joyce Ann Brown, individually and through her counsel, and the Dallas County District Attorney's Office hereby agree that Joyce Ann Brown should be given a new trial in this case.


NORMAN KINNE

Before me, the undersigned authority, on this 29th day of September, 1989, personally appeared Norman Kinne, who on oath stated that the facts set out in the above affidavit are true and correct.

Judith L. Byars
NOTARY PUBLIC, STATE OF TEXAS

My Commission Expires: 4-28-92

PRINT NAME:

JUDITH L. BYARS

DEFENDANT'S EXHIBIT NO. 3

(AGREED STIPULATION OF EVIDENCE. ATTACHED
HERE TO.)

concern, namely a theft, knowing the incident did not occur. Punishment was assessed Martha Jean Bruce by the Court at confinement in the Dallas County Jail for 10 days.

V.

That Martha Jean Bruce testified in Joyce Ann Brown's trial within 6 months of the date of this false report conviction.

VI.

That Martha Jean Bruce gave false testimony under oath in open court by failing or refusing to reveal this relevant and material conviction to the jury, when questioned by the defense counsel.

VII.

That this conviction of Martha Jean Bruce was a matter of official record within the Dallas County District Attorney's Office and was available at the time of Joyce Ann Brown's trial but was not made available or given to counsel for Joyce Ann Brown.

VIII.

That the State, by and through the Dallas County District Attorney's Office, should have known of the existence of this conviction and should have provided this information to counsel for Joyce Ann Brown at trial.

IX.

That as a matter of law, the State either negligently or inadvertently failed to disclose evidence which was of material importance to the defense, as it was relevant and material to the credibility of Martha Jean Bruce. Ex parte Adams, 768 S.W.2d 281 (Tex. Cr. App. 1989).

X.

That the false testimony of Martha Jean Bruce could in all reasonable likelihood have affected the judgment of the jury; and that the State's failure to correct this testimony violated Joyce Ann Brown's constitutional rights to due process of law, and this failure to correct could in all reasonable likelihood have affected the judgment of the jury.

XI.

That based upon the foregoing facts, Joyce Ann Brown was denied due process of law and a fair trial to decide her guilt or innocence in this case.


XII.

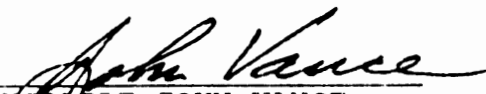
That each of the foregoing errors contributed to the Applicant's conviction in this cause. Tex. R. App. Pro. 81 (b)(2).


XIII.

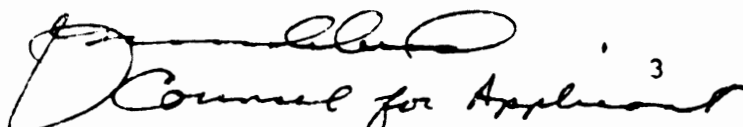
That Applicant Joyce Ann Brown, individually and through her counsel, and the Dallas County District Attorney's Office hereby agree that Joyce Ann Brown should be given a new trial in this case.

SIGNED AND ENTERED THIS THE 29 DAY OF SEPTEMBER, 1989.


JOYCE ANN BROWN, APPLICANT


HONORABLE JOHN VANCE
DISTRICT ATTORNEY
DALLAS COUNTY, TEXAS


KERRY P. FITZGERALD
COUNSEL FOR APPLICANT


Counsel for Applicant³
19397000


JACK V. STRICKLAND, JR.
COUNSEL FOR APPLICANT 19357000

27/69

The State of Texas,

F80-09798-H vs.

JOYCE ANN BROWN

AGGRAVATED ROBBERY

IN THE CRIMINAL
DISTRICT COURT
DALLAS COUNTY, TEXAS
JANUARY Term, A.D. 19 90

Now comes the District Attorney of Dallas County, Texas and asks the Court to dismiss the above entitled and numbered cause, for the following reasons, to-wit:

The State of Texas does not have sufficient evidence to go forward with the trial of this case at this time.

WHEREFORE, PREMISES CONSIDERED, it is respectfully requested that this case be dismissed.

Dismissed on Motion of District Attorney. John Vance

Motion granted.

Judge Ron Chapman

CLERK OF DISTRICT COURT
DALLAS COUNTY, TEXAS
RECEIVED

FEB 14 AM 10:09

FILED

[Signature]

Assistant District Attorney of
Dallas County, Texas

[Signature]

District Attorney of Dallas County, Texas