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COMING THURSDAY

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Denton, Texas

One dollar

Justices inquire about Howard case to state

By Megan Gray-Hatfield
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Second Court of Appeals justices questioned the state Tuesday about how they handled the case of John Franklin Howard, who was convicted last year for plotting to kill his wife.

Justices Lee Ann Dauphinot, Lee Gabriel and Sue Walker heard oral arguments during the appeal proceedings for Howard, 55, during a traveling court inside the Commissioners Courtroom at the Courthouse on the Square in downtown Denton.

Howard was convicted before 362nd District Court Judge Bruce McFarling in August 2014 by a Denton County jury on charges of plotting to



Howard

commit capital murder and paying numerous people to kill Nancy Howard, his wife of 30 years. Richard Gladden, a Denton defense attorney hired to argue the appeal, told the court that “for reasons I just don’t understand,” the state amended Howard’s indictment weeks before the trial to allege their client “personally shot his wife.”

Howard’s trial attorneys, Ricky Perritt and Jerry Cobb, also were present for the argument, sitting alongside Gladden.

The amended indictment, Gladden

said, also alleged their client received “remuneration or the promise of remuneration” for the shooting of Nancy Howard.

Throughout the three-week trial last year, the state argued Howard paid multiple individuals to shoot the mother of his three children, as well as letting the jurors know he was not in the state when Nancy Howard was shot in the garage of their Carrollton home.

Michael Lee Lorence, 39, was sentenced to 60 years in prison last month in McFarling’s court for shooting Nancy Howard with a firearm.

Nancy Howard suffered serious injuries as the result of the shooting, including the loss of her left eye.

Andrea Simmons, an assistant dis-

trict attorney for the appeals division, argued that the state intentionally amended the wording on the indictment as part of a trial strategy.

Dauphinot questioned Simmons and asked whether they were trying to confuse people in their strategy.

Simmons told the court “nobody ever thought Howard shot his wife” and continued to stress the strategy is based on a “party liability theory.”

“When drafting indictments, you have to take the language from the statute,” Simmons said during questioning from the visiting justices.

Gladden continually referenced a former judgment during his argument Wednesday, the same appeal that was in his written brief filed with

the Court of Appeals.

“In *Planter vs. State*, 9 S.W.3d 156 (Tex.Crim.App. 1999), the Court of Criminal Appeals directly disapproved the theory urged by the State on this appeal; that is, that the prosecution may allege one offense in its indictment and thereafter convict a defendant of another offense,” according to Gladden’s written brief submitted to the Court of Appeals.

In the nearly filled courtroom, which included members of Howard’s family, Gladden said double jeopardy would prohibit a new trial for attempted murder and asked for the acquittal of all charges against their client to be granted.

See HOWARD on 15A

TODAY IN DENTON



Fall begins — still warm
High: 92
Low: 71
Three-day forecast, 2A

STATE



Houston woman detained by Chinese government on suspicion of spying, stealing state secrets.
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NATIONAL



Volkswagen AG’s smog-test scandal escalated Tuesday as the company acknowledged putting stealth software in millions of vehicles worldwide. The crisis has already cost VW more than \$26 billion in market value.
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INTERNATIONAL

European Union ministers agreed Tuesday to relocate 120,000 refugees among the bloc to ease the strains on front-line nations.
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Kristen Watson/DRC

Julie Leuzinger, right, political science librarian at the University of North Texas and vice president of community relations of the local chapter of the League of Women Voters, helps students fill out voter registration cards in the lobby of UNT’s Kerr Hall on Tuesday during National Voter Registration Day.

A valuable service

Volunteers register student voters at UNT

View slideshow/DentonRC.com

By Julian Gill and Rhiannon Saegert
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For National Voter Registration Day, the Denton chapter of the League of Women Voters helped University of North Texas students get registered for

the upcoming election year.

Julie Leuzinger, political science librarian at UNT and vice president of community relations for the local League of Women Voters chapter, registered 128 student voters between 10 a.m. and 2 p.m. — some first-timers, some with new addresses.

She said that sometimes, a lack of in-

formation prevents students from voting.

“I did get a lot of questions today about ‘I didn’t even know how to register to vote, and I’m so glad you’re here,’” Leuzinger said. “That is another reason why I do the voter registration, is that it does remove another barrier for the students.”

“People don’t know how to vote,

See VOTERS on 15A

Police net 10 for gambling

By Megan Gray-Hatfield
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Ten men were arrested in connection with a game of craps this past weekend at an apartment in the 1600 block of Village East Drive, Denton police said.

Donald Ray Gulley, 55, was arrested on a charge of promotion of gambling — a Class B misdemeanor — early Saturday morning after police showed up to an apartment where an alleged home invasion robbery was taking place, according to Denton police.

Details on the robbery are not being released because the investigation is active, said Officer Ryan Grelle, spokesman for Denton police.

While police were talking to detained individuals inside the apartment where the alleged robbery took place, they learned a game of craps had been taking place prior to the alleged robbery, according to police records.

An affidavit for Gulley’s arrest states Anthony Corbin, 46, told police Gulley would call and disclose the location of the game to those interested in participating.

Grelle said it’s illegal to gamble in Texas.

Corbin also told police that Gulley gets a portion of the winnings when someone rolls a 6 or an 8, the affidavit states.

Jamal Smith, 31, supported Corbin’s claims that Gulley got a cut of the winnings, police reports state.

Gulley told police the apartment belonged to his sister-in-law. Reports state she wasn’t at the apartment during the arrest.

During a “safety sweep” of the apartment, police observed firearms, money and a gambling table in plain view, according to Gulley’s arrest affidavit.

Grelle said nine people were arrested

See GAMBLING on 15A

Horn’s words fuel monument discussion

By Christian McPhate
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Denton County Judge Mary Horn planned to address local Denton activist Willie Hudspeth on Tuesday morning at the Denton County Commissioner’s Court meeting, according to an email obtained by the *Denton Record-Chronicle*.

See video/DentonRC.com

Horn planned to discuss the Confederate monument and the rediscovered “Old Slave Cemetery” southwest of Pilot Point, both of which Hudspeth has been addressing in Commissioner’s Court over the past several weeks.

Hudspeth has asked commissioners to put the Confederate monument on the agenda for discussion and has admonished them for losing track of the cemetery, which is long forgotten and overgrown with brush and trees.

At Tuesday’s meeting, Horn decided not to read her prepared statement but instead provided copies of it for people to take home to read.

It’s unclear why she decided not to read the statement.

In front of the Courthouse on the Square since 1918, the Confederate monument has been the center of attention in Denton since the racially motivated shooting of nine people in South Carolina on June 17.

After the shooting, Hudspeth began

See HORN on 15A

Leaky line



David Minton/DRC

Workers from Atmos Energy dig to repair a leak in a 2-inch gas line in the 2300 block of Colorado Boulevard near Golden Triangle Mall on Tuesday. The Denton Fire Department responded at 11:32 a.m. and cleared the scene at 2:40 p.m. after Atmos crews stopped the leak and began repairs. No injuries were reported, according to fire officials.