

Texas After Violence Project
Interview with Mr. Mark Pryor

Date: May 3, 2011

Place: Austin, Texas

Equipment: Sony HD DV camcorder

Recorded on: Sony mini-DV cassettes

Interviewer: Maurice Chammah

Videographer: Emily Smith

Transcription: Mary O' Grady, Maurice Chammah

Reviewed & Edited: Maurice Chammah, May 26, 2011

Additional reviewer: Virginia Raymond, May 26, 2011

CHAMMAH: All right, so we're here on May third, 2011 at the Texas After Violence Project office with Mr. Mark Pryor. Maurice Chammah is doing the interview and Emily Smith is on the camera. I guess if you'd like to start by just generally telling us about your background and where you're from and just generally what led you to Travis County.

MR. MARK PRYOR: Sure. It's kind of a long story.

CHAMMAH: You can take as long as you want.

MR. MARK PRYOR: Well, I grew up in England, went to school there, went to journalism school there - should I be looking at that or you?

CHAMMAH: I mean I guess whatever you want

SMITH: Whatever you want.

MR. MARK PRYOR: Went to school in England, went to journalism school there, became a newspaper reporter, worked for some newspapers there for a few years, and then in 1992 decided to go to North Carolina, because my mother was from there, Chapel Hill, and then I had family there so I went out there and fell in love with the place, ended up staying, did some freelance work as a journalist, met, perhaps eventually ironically, met and wrote a story about a guy on death row, who became a pretty close friend for, well for the rest of my time in North Carolina, basically.

That got me interested in the death penalty, and I was working on capital cases as a mitigation investigator, and the guy I was working for, the attorney, became a good friend and he kind of persuaded me to go to law school. So that's what I did. I met my wife in law school. Both of us became saddled with debt, so we came out to Texas to

work for big firms, both hated it. I just wanted to be in front of a jury, and couldn't afford to be a defense lawyer, because you know you have to start a practice and was lucky, got a job at the D.A.'s office here in Austin, and now I'm a Texas prosecutor.

CHAMMAH: Yeah. And when did you first start here?

MR. MARK PRYOR: Well I came down here in January 2005, worked for a year as a prosecutor, then had my third child, couldn't afford to feed her, so I had to go back to a civil firm for a couple years, fed her up good and proper for two years and now I'm back. I've been back for just over two years, so I've been a prosecutor for three years altogether.

CHAMMAH: I'd be interested to hear more about, both the relationship with the man on death row and the work as a mitigation expert, because I definitely had not known that.

MR. MARK PRYOR: Well, my interest was initially, it was almost academic because we don't have the death penalty in England, and I was very curious about a system where you did, and what it was like for the people on it, for the victims, and everything, and it was through my family contacts that I went to a meeting of the, I think it was called the North Carolinians Against the Death Penalty, just as a journalist, and was asking there, because they knew my grandfather, who had been a minister. They kind of welcomed me in and then introduced me to this guy on death row, who- his name is John Conaway, who turned out to be, I think, almost exactly four weeks younger than me, four weeks older than me, but age was the only thing we had in common. He was the product of rape in rural North Carolina, had killed - I don't think there was any dispute about his guilt - killed a couple of people in cold blood in a robbery. But his case interested me because - it seems like it would make a good movie, but, for example, he was convicted by a jury and one of his codefendants was testifying against him, and that codefendant had a first cousin on the jury, and it was a first cousin by blood and by marriage, so that was kind of what he was up against.

But anyway, he was an intelligent guy, very, very uneducated, but super intelligent, super interesting, always wanted to talk about things, and we just got on very well, and it was only last year that his case was eventually - they had a resentencing hearing because of that jury issue, it was overturned on appeal, I think on the federal level. Now he's serving, I think he will now get out when he's about sixty, so he's gone from death to a chance to get out again, which is good.

CHAMMAH: I don't know what it's like in North Carolina, but did you actually go visit him or was this just letters?

MR. MARK PRYOR: Oh no, I went to visit him once a month for about five years and then we wrote letters too. You know, he did a lot of artwork, pictures and things. I introduced him to some friends who wrote letters to him as well. Yeah. It became difficult just because he's, I guess they have different boundaries, and there are certain things they don't get in prison, and so he would be a little bit forward about trying to obtain photographs or other materials that I wasn't super comfortable sending him. But, that's a product of the system as much as - I mean it's just human nature. I didn't hold it against him, but it was kind of a shame that he started to get that way.

CHAMMAH: Did you actually work in his case on mitigation?

MR. MARK PRYOR: No. No. I did offer to. He had a couple of lawyers who- I think he changed lawyers a couple times, and I offered to help out, but I think they had the facts pretty well nailed down. I think it was just a matter of it getting through the legal system very slowly.

CHAMMAH: And did that have an effect on the way you experienced going to law school? I mean, what was the effect of that on your education, and now your path?

MR. MARK PRYOR: Well at that point it helped persuade me to go to law school, and when I was in law school, because I went to Duke, nearby, I worked in the death penalty clinic, and that's when I was doing mitigation work, driving out to rural, tiny little towns, where - it was astounding to me that some of these people would even get on a jury. I probably shouldn't say that, but it was just very different from a death-qualified jury that you would get here, where we have one going on right now in my court, a death penalty case, and we'd knock on doors in the middle of the day, and people would kind of shuffle to the door drunk in their underwear, and it was just very different.

And in fact, they always sent us out in pairs; the guy I was with was a gay student and some places he wouldn't even get out of the car. We had to go into one particular bar to ask for some information and I always got away with everything because of my accent, but he just was like, "I'm not going in. I'm staying in the car."

With that said, everyone always spoke to us, they were very polite, never had any problems. But it was just really interesting to see, especially now that I'm in the system, see how it varies across the - just Texas and North Carolina are so different.

CHAMMAH: Yeah. Tell me more about that variation.

MR. MARK PRYOR: Well I imagine that - I've seen some of the questionnaires that the jurors here fill out, and for the most part, I've had friends who've been on death panels, which doesn't sound good, death penalty case jury panels, and these are all intelligent people who, regardless of their beliefs, in my mind, would feel comfortable, trust their judgment. Whereas some of the people we were talking to in the more rural areas of North Carolina, I would be less comfortable with trusting with my life, with anybody's.

Not just death penalty cases. Deciding a D.W.I., which can have some technical evidence to it, sort of, I don't know, it was very eye-opening.

CHAMMAH: Is this Texas versus North Carolina or urban versus rural.

MR. MARK PRYOR: I'm guessing it's urban versus rural. I'm sure you have the same thing out here. I just haven't really experienced it, which makes me sound like a snob, so I will say I grew up on a farm, so, rural, but yeah.

CHAMMAH: So then you came after law school, first to Dallas.

MR. MARK PRYOR: To Dallas, worked in a big firm for three years.

CHAMMAH: What kind of cases?

MR. MARK PRYOR: A lot of them were just commercial, huge corporations suing each other. There were some media, defamation-type cases, which were interesting. I had one - the only trial I had in three and a half years was a pro-bono case in federal court where the plaintiff had sued, really just a completely innocent police officer for damage that had been done to his house when they arrested him. It was a nonsense suit, but we managed, through the legal side of it, to get in front of a jury, who then found for the police officer in less than half an hour. But it was good experience, and I worked on some political asylum cases, which were probably some of the most important work I've ever done as a lawyer. A couple of people who would have been, either had attempts on their life or had been tortured, both journalists, one from Pakistan, one from Colombia. The woman from Colombia fled with her son just as she was being chased down by paramilitary, basically. Got here and she had been a speechwriter for the president's wife and a newsreader and everything. But when she got here she had nothing. She was lost. So she was given - We won that case.

And then the journalist from Pakistan, a man with his family, same sort of deal. He'd been tortured, fled, got him asylum cleared. Those are important cases and those sort of maybe helped me realize that I didn't need to be helping big companies sue each other for money. I wanted to do something a bit more important, for less money.

CHAMMAH: Why Travis?

MR. MARK PRYOR: Because they were the only ones that would give me a job. I mean I didn't apply to a lot of places. There aren't a lot of places I'd want to go. In fact, doing this job now I don't know that I'd want to be a D.A. pretty much anywhere else. I came down here and they were good enough to give me a job.

CHAMMAH: And what was that experience like, coming on into this department as opposed to the big firm? What was that culture of lawyers like?

MR. MARK PRYOR: It was different - from a thirtieth floor comfy office with a nice window, a view over Dallas, I had a small office with no window at all, but I was in court every day and I loved that. Colleagues were fantastic. Everybody just really enjoyed what they were doing. And the biggest thing for me was the, the biggest surprise, and something I still talk about, is the relationship between the defense lawyers and the prosecutors. We all get on so well.

I mean, I just finished that big cold case, worked with the defense lawyer on that for a year and a half, then went to trial, never an uncivil word between us, ever. He was my friend going in, he's my friend coming out. I just never saw that in the civil world. Everyone is so combative, so hostile, and that was a surprise to me, and continues to be a great relief, and a great pleasure, I think.

CHAMMAH: Why is it so combative in the civil world?

MR. MARK PRYOR: I don't know. I don't know whether it's the personalities of the people who do that kind of work, whether it's the assumption they'll never see each other again so they can be like that, whether it's - I don't know. Perhaps because they only ever talk on the phone or by emails, so they can - like being in a car you're in a bubble, you can act all tough. I don't know. I don't know. Because we see these defense lawyers day in, day out and maybe that's why we're civil. That's just a much nicer working environment.

CHAMMAH: And when you say working together, could you talk a little more about the, just what that process is?

MR. MARK PRYOR: Yeah. Well, we have, I mean obviously when we get a case, so taking this cold case as an example, I have a huge box of, initially two boxes of information, papers, photographs, police reports, forensic stuff, videos from interviews, that kind of thing. And he wants to see as much of that as he can, as a defense lawyer, to do his job, and in some cases, depending on the lawyers involved, there might be more or less material given out. And so in this case I just worked to make sure he had everything he wanted. In fact, what I ended up doing was fairly early on making a total copy of everything in the box and just putting it out near the front, so he could have access to it. And then if he wanted to take- He could come in and review it. If he wanted to take something away, then he'd call me and say, "Hey can I get a copy of this video to take home?"

And I think almost always, I said, "Yes."

So it's a long discovery process, we had issues trying to track down witnesses. He was unable to find somebody who we wanted as a witness, a very important witness for his side, so we pitched in and put Cold Case Unit to work finding that witness for him. Motions, filing motions, agreeing on stipulations for trial, that kind of thing.

CHAMMAH: Do you feel like that extent of working together is common?

MR. MARK PRYOR: I think so, I mean we have the - I know the office has an open policy as far as discovery, so I think people generally prefer to not hold things back, because it can be hard, especially in a big case, to remember what you've given, what you haven't given, and there's always the risk of Brady material. It's so easy to have two boxes of information, and say you don't give him a disc, and it's one of twenty, and you haven't watched it, and there's something on there. Well, you're responsible for that.

And it's fairer. I think my worst nightmare in this job is having an innocent person convicted. It's the one thing that would keep me up -- it does keep me up at night. And so to me it's just much fairer for them to see everything that I've got, so they can give their guy the best defense possible.

In the cold case, one of the reasons I'm fine with that result. I believe he's guilty, but I also know that he got a good defense and he got access to every single possible piece of information. So, which of course helps from our perspective on the appeals. There's less for him to - It's harder for him to complain of an unfair trial or Brady issues.

CHAMMAH: And will you go on to handle that appeal?

MR. MARK PRYOR: No. We've got an appellate division that does all that stuff. Someone once told me I was in sales not warranties. Not to say that I'm not careful about messing things up, but I have another murder case from last year that the judge actually granted a motion for new trial because one of the - my main witness attacked the defendant in open court and that upset some of the jurors and so it's up on appeal and I'm not handling that. I have to retry the case if it comes back down, but no I don't do the appeals.

CHAMMAH: So how often would you say you do these sort of murder or big workload cases.

MR. MARK PRYOR: Well I've only been there, this time around - My first stint at the D.A.'s office I didn't have any murder cases. This time around, I've only been there two years, tried three now, two of them as first chair, one of them as second chair. And I was just looking at my trial docket for the rest of the year and I've got, it looks like, four significant trials. Two murder trials, one capital murder trial, and a serial rape case.

CHAMMAH: And what's the process by which it gets assigned to you as opposed to someone else?

MR. MARK PRYOR: The cases come in, I'm not sure how they get assigned to a court, but then each court has a grand jury. They present the cases to the grand jury, those cases that get indicted get sent up to the court chief and he just doles them out. I mean it depends a little bit on your seniority or experience. We have a new guy in the court who just came from the county attorney's office, and so he's not going to get a murder straight off, but he is helping on one of mine. So it's partly - It depends on the court chief too. Some like to have one person handle all of the D.W.I. cases, or all of the rape cases, maybe. But generally they're just kind of doled out evenly and we have about anywhere from a hundred and twenty to a hundred and fifty cases each at any one time. It's a lot.

CHAMMAH: Wow. But only a very small number go to trial.

MR. MARK PRYOR: Yeah. One or two percent go to trial.

CHAMMAH: One thing that I wonder, especially in a place like Travis County, is the cases that end up being, because it's your discretion or the office's discretion over whether it's a capital - if it is a capital, whether to go for the death penalty or not. What is that process like, of making those decisions in the office?

MR. MARK PRYOR: Well I can speak to my experience, which is fairly limited. I've only ever been assigned one capital case, and that's one that I have right now. Basically, whether or not it's capital depends on the facts, rather than some policy decision, it's whether the elements of the statute are met. If it is, it goes to - it gets assigned to a lawyer, like me. I'll do some work on the case, I'll put together a presentation, and then we have a committee of people, the D.A. and basically division chiefs, and then just present it to them, either with or without a recommendation as to whether to seek the death penalty. And then they talk about it, and everybody gives their input. But at the end of the day it's Rose Lehmborg [the D.A.] who decided yes or no, eventually.

CHAMMAH: And what influences, I mean you individually as opposed to the committee as opposed to Rosemary Lehmborg one way or another?

MR. MARK PRYOR: Me? As to whether I would recommend death? I think my position on the death penalty right now is that I would not be comfortably pursuing a death penalty case, so. And the great thing about the office is that's fine, I can say that. And I'm not the only one. I'm not - It's just one of those issues that's complicated and it's sort of academic and very personal all at the same time. I'm just not at a point right now where I feel like I'd be a good advocate on a death penalty case. That's my politically correct answer.

CHAMMAH: Right, of course. And then there are, I'm assuming now, other lawyers within the same department who would say, "I'll take that one," and then it just gets reassigned or -?

MR. MARK PRYOR: I don't know. I mean, I have not heard of an instance where somebody gets assigned a case, the death penalty is sought, and then that lawyer is like, "I don't want to do it. I'm getting off."

We seek it so rarely, and it really is just the worst of the crime, that we see a couple a year, if that. It's just not such a big issue in Travis County as it is elsewhere. And I guess, from what I read, it's becoming less of an issue elsewhere too, Houston seeking it a lot less too.

CHAMMAH: I've been reading the same things. Well if you want to talk about generally - you started to talk about your relationship with defense lawyers and with other prosecutors, but generally your thoughts about style, in terms of trial lawyering, how you as opposed to another lawyer think about going about picking the jury, cross-examining, that kind of stuff.

MR. MARK PRYOR: I suppose, as with any job, your personal style comes into it, the way you do things. I mean, if you talk to my colleagues they would tell you that I don't prepare as in depth as some of them. I have some people I work with who are fabulously detail-oriented, and write out every question for every witness. They'll hunt down every rabbit trail just to make sure. I hope I'm not shooting myself in the foot by saying this, but I tend to try to focus in on what I think is going to be important to jurors, not always what's going to be important to, in a more sort of legalistic or - I don't know what the word is, but I try to limit my world when I go to trial. I won't call every possible witness to explain every possible eventuality. When I have a witness on the stand, I won't keep them there for long. When I spoke to the judge - I've been in the same court for two years, he would tell you that some attorneys, when they're examining a witness, just go on and on and on, and maybe I'm too impatient to do that, maybe I'm not thorough enough, maybe I'm too big picture or something, maybe I've had my fill of persnickety lawyer when I was at the civil firms, running down every single case in the world.

I don't know. I feel very strongly that you can get a theme across, a message across, facts across, in a way that doesn't have to be convoluted, doesn't have to be boring. But at the same time, it's thorough enough. That's a very long-winded way of answering the question.

CHAMMAH: Well I'm curious about - because I've heard a lot about this idea of a theme. Is it always obvious what the theme is, or does it sometimes take some kind of creative craft in developing it.

MR. MARK PRYOR: No, usually it's pretty obvious in big cases what the theme is. A murder case that's on appeal now, it's just a simple case of revenge. The victim had stolen from the guy who shot him and this was payback time. In the cold case, again it was fairly straightforward. It was obvious from the facts, from the crime scene, that it was a case about rage, jealous rage.

And I had to kind of - I wanted to explain to the jury in that case why it took so long and how it could be a cold case, or an unsolved case in 'eighty-five, but now be solved. And

so I kind of explained that thematically too by saying that in this case the defendant himself made a series of mistakes, and I called them breadcrumbs, that led the police to his door, and I suppose that was more manufactured, a less obvious theme, but I did it because I felt like it was true, and it was a way of conjuring some imagery that would help the jury understand that passage of time. Because people, all the time, when we're investigating it and working it up, "Oh it's a cold case for a reason. It's cold for a reason."

As if to say, "Once it goes cold then it can never be solved," and clearly that wasn't true in this case and other cases.

CHAMMAH: And this cold case makes me think, though I'm sure you have plenty of other experiences on this, but just generally your relationship to families of the victim, how you interact with them, what that relationship is like as it develops.

MR. MARK PRYOR: You know, I don't - we have a victim-witness counselor, coordinator, and in my court she's fabulous. I mean she's so good, and she's a real buffer between me and them, because victims can get so, obviously, emotional, wrapped up in the cases, and she's a really good conduit for information. She's trained, she's a sociologist I guess, and she knows how to talk to people in a more delicate manner than perhaps I would be able to. But in the big cases, I just really enjoy it, because you get bogged down in pictures of, just things you wouldn't want your kids to see, death and destruction. And you see while you're doing it, you meet the mother. In the cold case, Johnny, the son, and he says, "I've not slept a full night for twenty-five years."

And you're like oh, wow, we're doing this not just to prove that we can catch a bad guy, but we're doin' it so Johnny and the victim's sisters can have closure. Like saving somebody from the Colombian paramilitary. You sort of feel good about that. Never felt that good about winning judgments for people in the civil world.

CHAMMAH: And then what is that like on the defense end? Do you feel like that's different from what defense lawyers go through with the families of their -

MR. MARK PRYOR: I'm sure it's probably pretty similar. I mean they get to, if it's like in the cold case, Wade Russell the defense lawyer got to know the defendant pretty well I'm sure. And then to see him get sent to prison I'm sure is difficult. I don't know if Wade believed in his innocence or if he just - I don't know. I've not been a defense lawyer, so it's hard to know, but I do imagine that that would be very difficult, very emotional for him. Not just the defendant, but the defendant's wife, she now has lost somebody too. And I'm real cognizant of that. I've said to my judge, "You know every

time somebody gets sent to prison on one of my cases, I don't like it. I genuinely do not like it."

And he said, "You know what? The day you stop feeling like that is the day you give up."

And he and I, I think have very similar philosophies, and that's that prison is sort of a last resort. It's not somewhere anybody should be sent to lightly, by the judge, by the prosecutor. And so that's the part of the job I guess I don't enjoy. Even in a murder case, if I know they're going to the penitentiary for thirty, forty years, that part is not a good feeling.

And yeah, I'm sure that defense lawyers, maybe they - If I lose a case, nothing really happens. I mean maybe a bad guy gets back out on the street, but nothing changes immediately. The families still don't have closure. But if a defense lawyer loses a case, a big case, a murder case, everything changes for their client. I'm sure that's stressful and unpleasant. I'm sure it is. And I know there are some defense lawyers, first thing they do when there's a guilty verdict, is ignore me, ignore their client, and hand up their sheet for payment. But I'm sure most of them don't.

CHAMMAH: It was fun reading, on your blog, some of the kind of banter that seems to go back and forth between - I mean there was the whole notion about your accent, but then there's also times where you've said things, like, things I read as a joke, like, "Oh defense lawyers are just about getting acquittals and we're just about justice," and these kinds of - But tell me more about that relationship as you -

MR. MARK PRYOR: It depends on the individual defense lawyer. I tend to make more jokes like that with people who takes themselves more seriously, just to irritate them. But I think both sides know what our roles are, and both sides know that you can't get through this without humor. I mean you just can't do it. Even in the murder trial we had - There are moments where everyone knows something funny is about to happen, and if you don't do it, if you don't take that moment. It's stress-relief, and in fact, you know, I had, in the murder case, the drive-by shooting, I had a witness on the stand, you I said to a friend, I said, "I have to make this witness laugh, or smile at least."

He was a convicted felon, one of the toughest looking guys I'd ever seen. But I'd spent time with him. I knew he had a sense of humor. I knew he was not the meanest guy in the

12 of 29 Texas After Violence Project Interview with Mr. Mark Pryor
Interview dated, May 3, 2011 This version of transcript May 26, 2011
Posted June 10, 2011

world, and I wanted the jury to see that, so I had to find a way to make him smile. And I did, and afterwards the court reporter told me she had a huge crush on him. And then the jury told me afterwards that he was my most important witness. I made him cry too, but - It's also important sometimes.

CHAMMAH: And along with that, what do you - You mentioned things keeping you up at night, and in the course of this work we think a lot about self-care with the kinds of things we expose ourselves to constantly and lines of work that involve some of the worse acts that get done. How do you think of taking care of yourself and what happens after five o'clock?

MR. MARK PRYOR: Well, you know since I've done this job, in three years I've come into the office twice on weekends in three years. Compare that to any civil lawyer you know. So the job - the people at work are very good at respecting time off, weekends, evenings, and for me I have a wife and three kids who keep me grounded whether I like it or not. I don't know, sometimes it gets a bit much. When some of the bigger cases, death threats, people are whispering about death threats, you don't know how real it is. You hardly ever hear about prosecutors getting assaulted. Well, there was one recently, some murder defendant attacked a prosecutor in open court. And then we had the assault in my case, but I exercise a lot, I play soccer, I write, I have my kids, and you know the other thing is these cases turn over so fast. The big civil cases last years and years. The longest running case I've ever had was less than two years. And that was the cold case. And most of them are not that heinous, they're not bad people.

Maybe that's the answer to the question, that most of the people I deal with are not truly bad guys. They just have done, the acts are not great. But I don't feel like they're bad people who, if I don't get a conviction, will go out and rape and pillage. Or if I do get a conviction, they won't come after me. I don't think that many people exist, thankfully. You know it's one of the problems I've had with my kids is explaining what I do, because I've got six year old twins and a four year old, and how do you explain the role of a prosecutor to a six year old? You can't, and so basically I catch bad guys. That's what I told them initially. But now it's like, "Well I catch bad guys, but I try to change them into good guys."

And so, I don't know it's -

CHAMMAH: How do they react to that?

MR. MARK PRYOR: Oh every time I come home they want to know how many bad guys I caught. And somewhere along the line my little one, four year old girl, got confused and thought I'd said my job was punching bad guys, so she wants to know how many bad guys I've punched. And it doesn't matter to her how many times I've said I've never punched a bad guy in my life. I have to tell her that every night. "I didn't punch any bad guys."

And then if I haven't caught any bad guys, it's "Why not?"

But I think they'll understand. They know I'm kind of part of the law enforcement-police thing. It's just real hard to explain what I do. And maybe that's a reason why I can leave it at work, because it's too much effort to bring it home and try to share it with them.

CHAMMAH: So you mentioned really early on that you don't see yourself wanting to be a D.A., or moving up in that sense. If that is the case, because I often think of prosecutors as people who want to move up to things like D.A. and A.G. and even the political world sometimes, where do you see the other trajectories?

MR. MARK PRYOR: For me?

CHAMMAH: For you and for others in general.

MR. MARK PRYOR: A lot of them go into defense work. A lot of defense lawyers are former prosecutors. Wade Russell, on my cold case, was a former prosecutor. Efrain De La Fuente, who was my second chair, is running for judge. Also something I wouldn't like to do. I don't know. Right now I'm real happy doing what I'm doing. Maybe defense lawyer down the road one day for me? I don't know, but I just really enjoy what I'm doing right now. Political stuff, got too many skeletons in the closet for that, too much being nice to people I wouldn't want to be nice to. Plus there's not really any job. Judge I don't want to do. Elected D.A. I don't want to do. Even if I won the lottery I still feel like I'd go to work every day. I'd just go in a Porsche.

CHAMMAH: Well, this might be a good segue. We can come back to the legal stuff but I am certainly curious to hear about the writings and the extent to there, the extent to which there is a relationship, is any, between this work and that work.

MR. MARK PRYOR: I don't know that there is because I've been a writer for as long as I can remember. My focus in my writing is fiction so it's crime but it's crime fiction but the books that I'm writing right now, I've got two completed books with an agent in Boston who's going to try to sell them, has been trying to sell them, but they're set in Paris. The main character is the head of security at the U.S. embassy there. I know nothing about that, just making it all up. You know, maybe from my job I know you can't put a silencer on a revolver but I don't think that I get any, too many plot points or - I don't think there's much bleeding over from, from my job to my writing, I don't think.

Writing for me is a release. It's a way to stand on a bridge in Paris and look at the, look at the river Seine rather than think about, you know, the rape case that's coming up or something, so — I mean, crime has, crime has always interested me, so — but I guess there are different forms of it and versions of it and incarnations of it, so writing about it - - I will say that during my cold case, the last few months I stopped watching some shows that I used to watch just 'cause I was fed up with — One of them was *Criminal Minds*. Great show, but I just couldn't watch it after a while. It was just, I'd had my fill of, of thinking about how to solve a crime because with a case like that you don't just take what the cops do and say thank you very much, go to court. You think, "Can I solve it even more?" You know, "Can I find more evidence? Can I eliminate this possibility that can destroy my case?"

The whole time you're thinking about witnesses and their motivations and why they did things, why they're saying things now, and so when you watch a show like that, it's all about profiling, it's like, enough. And, and, truth be told, my writing in the last few months is, I've barely typed a word and I think because of that case. Just kind of sapped me. Very glad it's over, really.

CHAMMAH: And having had that experience, what will you take into future both murder and capital murder cases? If anything?

MR. MARK PRYOR: Yeah, I don't know if I'll ever have another case like that because to have such an old case with no biological evidence just isn't going to happen very often. Working with the guy who was my second chair who is just a — I had great respect for him before, but working with him on that case, just phenomenal. I shouldn't say this on camera but I don't think we would have won without him. I learned a lot from him

just on, we had some, you know, the defense witness that I mentioned to you that we helped look for, his evidence was bad for us.

The witness had seen somebody that morning outside the apartments where the murder was who didn't fit the description of the defendant and so that was bad for us or so it seemed but then, you know, talking to Efrain, he was like, we need to think about this, and then we realized that there is a huge problem with eyewitness identification. It's something defense lawyers always bring up.

And we contacted an expert, eyewitness expert, and talked to him for, for a while, and after doing that we realized, holy cow, the only information we can really rely on from this witness is the fact that the guy was carrying a bat and wearing a particular t-shirt. Height, weight stuff that we'd been so worried about, this expert was telling us he may have got that wrong, so Efrain's telling us to look at this differently, which made me realize not to take everything at face value, think about new science, how does that play in because when we can't— You know, we used that expert at trial.

Afterwards the jury said he was great, really helped them understand that the guy that this witness had seen outside these apartments probably was the defendant even though he didn't match the description. You know, he was known to carry a bat and had access to that same, exact same t-shirt. So, when you go into a case, just 'cause, not to take everything at face value. That was really important.

And also I think theme is real important too, working to a theme. We had, you don't just have one, you have several. The other one of our themes that came through towards the end was taking a jury back to the crime scene because, you think about a witness who's testifying after twenty-five years, I mean, you can always argue they're subject to all kinds of biases or faulty memories or whatever but if you take the jury back to the actual crime scene, show them pictures of the actual crime scene, and tell them, look, what do you see, do you see a break-in, no, do you see anything stolen, no, that's a—and we did the same thing in the drive-by. We had 911 calls made by one of the guys who was shot and we played that at closing.

It's like, go back to the crime scene, and that's again, I tried that case with Efrain and that was again his advice is just, take the jury back, forget the fancy stuff, don't try and charm

them into guilty. Take 'em back to what matters, the crime scene. And, and, in those two cases I think that's a valuable lesson and that's, it's real encouraging to me because it's also, we've brought you all this evidence but go and look yourselves. Take what you can, as far as, as much as you can, go back to the crime scene. Check it out for yourself. Do you see a break-in? Do you see anything missing, do you see, do you see evidence of a struggle? What does that tell you? Here's the medical examiner's report. He doesn't have a dog in this fight. What do you see? Defensive wounds? Do you see any sexual assault? And these things, they rule out a whole world of possibilities. I'm sure from this case I can take that into future cases. You know, of course that's in a case where someone's saying it wasn't me. If it's a self-defense case it's a little different. And I've got some of those coming up too.

CHAMMAH: And what will be different in those? I mean —

MR. MARK PRYOR: Self-defense cases are a little bit more “he said-she said.” I mean, a crime scene I don't know is going to tell us quite so much about, you know, was there really a fight or was somebody just stabbed. If there's no witnesses, I don't know, maybe you can look at pictures the same, was there a disturbance? It's the funny thing about this job, every, every case is different. I mean, as many cases as we have. Every time you get a case you think is the same as the last one, little drug case, there's always some little twist to it. I guess that's what keeps it interesting.

CHAMMAH: And how do you, you know, you mentioned how you, how you talk about it to your kids. I obviously am experiencing how you talk about it now in this context but what about with writing the blog? I mean, I know that there were, you know, you were worried about confidentiality. It's in the title. But--

MR. MARK PRYOR: Well, yeah, that was a, that was more, when I came up with the blog I just wanted a cool title for it and I couldn't think of one, and then a friend of my wife's is like, how about, you know that “L.A. Confidential,” why not “D.A. Confidential?” So, it sounded cool. But then I, of course, if I call it that, I have to hide my name, but how do I publish it, publicize it without my name, so — it was more of a name than a disguise.

CHAMMAH: But how do you go about considering, what is your sort of, your process as you write those posts about your obligations to various readers or the office?

MR. MARK PRYOR: I'm really, I'm really careful because when I mentioned it, I obviously got permission to do it. Well, I talked to Rose about doing it and she said, look,

you don't give up your First Amendment rights when you walk in the door, and I said I understand that but you're my boss, I'm not going to do something to violate that trust or just put my job in jeopardy. And so basically I have some kind of informal rules that I, that I apply to myself. I don't discuss ongoing cases. I link to them if they're in the paper because that's public record. I might mention something that happens during a pre-trial hearing but only if it-- but I won't identify who said the stupid thing or probably not even the case, 'cause it's usually something funny that, that makes it in, and I don't address, I'm often asked to talk about, what's your opinion on the death penalty, what's your opinion on the "war on drugs."

I don't do any of that because I don't want anybody to think that what I say is representing the office and that was something Rose was always very clear about. You can do your thing but you can't speak for the D.A.'s office and to me, to her, that's obvious, to most people that's probably pretty obvious but there are a lot of critics out there waiting to jump all over the D.A.'s office, the cops, law enforcement and so I could imagine that if, the situation where I could say something that was just my opinion and it would be taken and run with, maybe misrepresented, and so I'm just -- a lot of my time, a lot of the time my blog is probably pretty boring because I can't talk about a lot of the good stuff, at least until afterwards.

And even then I've not really said that much about the cold case, which I would love to because I know that the defense lawyer is probably having a harder time. I don't want to be seen as gloating and I'm not. As I say, if someone goes to prison, he got a thirty-six-year sentence, it's just not appropriate to come and gloat about that and I don't feel like I want to, so there are so many things that kind of narrow the world that I can write about that it makes it hard sometimes to, to think of things to —

You know, I try and let people know how we do our job, the kind of job that we do, the kind of cases we handle, how many cases we handle, but there's only so many times you can write about that. So, yeah, even, sometimes it's hard. Sometimes it's difficult and I can't tell you how many times I've written a post and then thought, I probably better not. It probably would have been fine but to date—I don't know how long the blog's been going on, probably a year and a half—I've never once bumped heads with Rose or anybody higher up for doing anything inappropriate and I want to keep it that way. And,

18 of 29 Texas After Violence Project Interview with Mr. Mark Pryor
Interview dated, May 3, 2011 This version of transcript May 26, 2011
Posted June 10, 2011

and hopefully keep it interesting. I don't know. Things, things once or twice a week tend to pop up, now and again. Osama bin Laden getting killed was helpful.

CHAMMAH: Big news.

MR. MARK PRYOR: Yeah. Yeah. Although I didn't have that much to do with it, it's still fun to write about.

CHAMMAH: For sure. And I'm sure with the royal wedding —

MR. MARK PRYOR: Well, yeah —

CHAMMAH: -- because of your accent.

MR. MARK PRYOR: Yeah, yeah, the royal wedding. I didn't post about that I don't think until bin Laden was shot and then I saw some similarities and put them together. But I'm not much of an expert on the royal wedding, I'm afraid. But it was nice. I watched it.

CHAMMAH: Yeah. I mean, it is sort of just a fun topic. What other — I guess there's two questions, one is more generally, you know you said that there's a lot of critics who are ready to jump all over the D.A.'s office and that in the public sphere you're often kind of careful about that. Have you had any more experiences with that, with people who are not so friendly to what you do, or --?

MR. MARK PRYOR: No. No, actually I've had people, complete strangers come up to me and shake my hand and say thank you for convicting Tom DeLay, actually is the one that springs to mind, but I didn't do that, I was just, worked for the same office. I find generally people out on the street are just, they really, they love what I do, they're really interested in it, and so, no, but I think that a lot of the most active people are bloggers and writers and I link to some of those in my blog because I think they're smart people with a lot of interesting things to say, but, boy, sometimes I just get tired of the highlighting the bad stuff, the one case where a prosecutor does something, drinks and drives in Portland, Oregon, and it's ascribed to us.

You know, there's never any mention of the serial rapist that we catch and put away or the guy today who I had in court who was facing a felony charge, misdemeanor charge,
19 of 29 Texas After Violence Project Interview with Mr. Mark Pryor
Interview dated, May 3, 2011 This version of transcript May 26, 2011
Posted June 10, 2011

he has a very responsible job for the City of Austin and worked out a deal where he pleads to a misdemeanor, doesn't take a felony, and afterwards he was almost in tears he was so grateful and I know for a fact, guarantee, I will never see that guy again in the courtroom.

And that's what we should be doing, I mean, that's a good thing, but find me where that is in the newspaper or in someone's blog. It's not. So, I get, you know, I get—but then I want to post about that but what, am I tooting my own horn or gloating or something again? It's immodest. Sometimes I just wish some of these people who are critics knew a bit more about how justice actually works sometimes, how we do things, because a lot of the people who don't are either criminal defense lawyers who are very invested in us as the bad guys, I guess, or people who, academics who just don't —

[Tape 1 ends]

[Tape 2 begins]

CHAMMAH: So, on that topic of wishing people would know a little bit more about the way that justice actually works, what are some of those things that you kind of wish more laypeople were aware of?

MR. MARK PRYOR: Maybe people could just come to the court, the courthouse, watch a trial, come to one of our docket days where we're handling fifty, sixty, seventy cases, and actually my judge is real good about that. He welcomes the public in, he has school groups come by and see that. People are amazed when I tell them how many cases I have. I think people get a big idea about what we do from watching TV and that means *Law and Order* and *C.S.I.* and all that stuff which is nothing like what we do. I mean, sometimes, but mostly not.

I wish people would know more how we work with the defense lawyers and not just against them, working out deals. A lot of the time, so many times we have ironclad cases. I can't tell you how many times I've had a case where the guy is guilty as can be, there's not really any doubt about it, we've got him enhanced because of his history so the minimum is twenty-five years and the maximum is life and all we have to do is show up to court and get a conviction and off he goes to prison for twenty-five years, minimum, but we don't do that. We just don't do that.

You know, if it's someone with a drug problem we try and fix that or if the specific crime they committed that particular time doesn't warrant twenty-five years then we don't do that. I think criminal justice is one of those things where people kind of take sides a lot, like politics. Either you're for law and order or you're on the sort of liberal side and you

don't like and don't trust cops and prosecutors but particularly in Austin, we got a bunch of liberals as prosecutors so I don't know how you deal with that.

CHAMMAH: I mean, on that, I know you haven't worked in other counties but do you have any sense of comparison from Travis, not just the rest, well, Texas, and then Texas versus other states?

MR. MARK PRYOR: I have a good comparison with the counties around us. I know that Williamson County, they make jokes about us when they're doing *voir dire*. Travis County is part of the *voir dire*. Who wants to be more like Travis County? Anybody? And of course nobody puts up any hands. If anybody does, they're off the jury. And we have cases sometimes where, say, somebody's committed a few, a couple of bank robberies or an armed robbery up there and then down here as well. I've had cases where I've worked with them and they're — it's a different outlook.

Again, it's one of those things where I can't help myself but make fun of people. We had one case where this guy committed armed robbery and they were out to hang him from the highest tree they could and then when we had a little meeting with them and they asked what we were going to do and I told them, I said we were going to give him a very, very stiff probation and he just looked at me like I was insane.

CHAMMAH: Who was this?

MR. MARK PRYOR: One of the Williamson County prosecutors. It's like, wow.

I don't really know much about Dallas or Houston. I get the sense that Travis County is kind of an anomaly. It would be interesting to see how the crime rates per capita are here as opposed to elsewhere, whether our approach is more effective, less effective, or the same.

CHAMMAH: What about all of Texas, or just Austin, versus, like, North Carolina?

MR. MARK PRYOR: I don't know, I feel like criminal justice, the application of it, is probably so regional that you couldn't compare Asheville to Chapel Hill to somewhere down the coast, Wilmington or something. I know where I'm comfortable and I'm comfortable here and I don't think I would be in a lot of other places. The little book that we have, carry everywhere, it says, it tells us that we are there to do justice, not to get big

sentences, and, and honestly, in most cases getting big sentences is the easy thing, contrary to—

My experience, most of the people we have come through the system, by the time they get to me, in the trial division, I get the guilty people, so it's really just a question of, can I prove it, and if I can, what's the sentence, and I'm just not interested and most of my colleagues are not interested in running up the numbers. That's why I like working there.

CHAMMAH: What about your experiences with, with Travis County juries? And also, if you want to talk a little bit about whole, kind of, the effect of shows like *Law and Order* and *C.S.I.* on the juries themselves.

MR. MARK PRYOR: Yeah, that's something we deal with a lot. I like Travis County juries because I like intelligent juries and it's just easier to, to present a case to intelligent people and we've, just my experience in Travis County, we have that. I'm not saying they don't elsewhere. They may, I think. I just know what my experience is.

But the flip side of that is, sometimes people can over-think things. The good example is, the, the standard that we have to prove things to is, beyond a reasonable doubt. For an engineer, that's a problem because if you have a scale of doubt, a lot of intelligent people who work in that kind of field like to be able to draw the line and like to be able to figure out where that point is and if they can't, then I can't get beyond it because I don't know where it is, and if they can't figure out whether I've got beyond it or not, then the defendant quite rightly gets the benefit of that.

So, you know, the reasonable doubt, sometimes I feel like reasonable doubt in Travis County is higher. It's a higher burden than it is elsewhere but, again, I don't really have a huge problem with that because I sleep well at night because I know that everybody I've convicted in a jury trial is guilty. And I know that because I wouldn't personally prosecute somebody who's not, whom I didn't believe to be guilty, and I know that Travis County juries are smart and they look at the evidence very hard.

But in the cold case I had a spot of bother with the jury on cold cases specifically because one of the issues I addressed in picking the jury was, look, this is an old case, what do you think are the problems we're going to run into, the cops are going to run into, or even the defense when they're investigating, what are they going to run into? What kind of

problems? And we talked about that some. So then I say, we started to talk about the kinds of evidence you might expect to see.

Of course, somebody says D.N.A. I said okay, you know, that's, that's the, the most significant piece of, sort of, evidence that we can come up with, really, these days, and it's all over the T.V. shows, but D.N.A. is, is, is helpful for putting somebody at a particular place or holding a particular item, connecting a person with something, either a place or an object. So when you have, for example, in the cold case, an ex-boyfriend, a recent ex-boyfriend killing somebody at her house.

One juror said, "I want D.N.A."

And I said, "Okay, well, what about that that kind of situation? What is the D.N.A. going to tell you? That he was there. Okay, we know he was there because he's the boyfriend. So, fingerprints, what are they going to tell you? He was there. Okay, but we know he was there because he's the boyfriend."

So, we had a real problem with a couple of jurors, one in particular who said, "I don't care, I want, if it's a cold case I need D.N.A. and that's that."

Beyond a reasonable doubt burden being pushed higher and, and I tried to say, "Well, okay, what if we have all the other evidence that you could want and I persuade you completely and utterly that this person is guilty but I don't have D.N.A.?"

"I need D.N.A."

And then the judge said, 'cause he saw me wallowing a little bit, and this has never happened before, because I was kind of taken aback, and the judge said, "Well, wait a minute, what if they had video of the crime and the defendant is on the video committing the crime?"

And I'm thinking, "Gosh, I should have thought of that, of course."

No, she still wanted D.N.A. And, and so it's like - I didn't know what to do with that other than basically have her stricken for cause because in our case D.N.A. wouldn't have helped. Anybody. And shows like C.S.I., the people watching there, they sort of think, oh, D.N.A. is *the* solution to every crime. It's not, and so we have to get past that, the idea that the police can test every piece of- - wave a magic light and detect this, that, and the other or enter some numbers in a computer and come up with the guilty guy.

I mean, to me this witness that we had to help find the defense, we never found him. We never found a physical location where he was staying. We spoke to him on the phone, we had a physical address that he was using but he wasn't staying at. It was amazing to me that in this day and age we could not find this single, this human being when we had his phone number and had spoken to him.

But if a former F.B.I. agent couldn't find him, A.P.D. Cold Case couldn't find him, L.A.P.D. couldn't find him. All we knew was that he was in L.A., somewhere in L.A. Fortunately, I didn't have to explain that to a jury but I think if I had they would have been stunned. I'm still amazed that we couldn't find this guy. So, the juror expectations can be very high and as long as I can lower them to within, get them somewhere near reality I'm okay with that. But sometimes, you just, you can't. That's it with the D.N.A. lady.

CHAMMAH: If you don't mind talking a little more about your collaboration with the cold case unit with the A.P.D., what was that like, in this very particular case?

MR. MARK PRYOR: Yeah, I worked mostly with one detective, Tom Walsh, who is now retired and retired when this case was coming up for trial. But it's a weird, well, if you normally go to a police station, if you go to the robbery unit, homicide, people coming and going, cubicles, it's, people come through in handcuffs, it's just, very busy place but the cold case unit is at the D.P.S. building off 290 and it's this huge, huge room with some offices around the outside and pictures of people who have been dead for twenty years. It's kind of quiet and it's just a very different-- has its own feel to it.

And they have Austin's best detectives over there doing this work. No doubt. But they were great, I mean they, anything we wanted they would just, you would just phone up the sergeant there who I've gotten to know very well. Super guy. Dedicated, too. I mean, you can phone him up and say, can you get me this address, can you get me this, track down who owned this car in 1975, they'll do it. If it can be done, they will do it. You know, they invest so much in these cases, more even than a regular homicide, because they take so much work to solve and they invest a lot in them and so it was really interesting to see that sort of dedication. And we were waiting for the jury to come back and they were asking me to take another one, so —I told them I wanted D.N.A. this time.

CHAMMAH: How does it go from, when do they decide that since it hasn't been solved it is now a cold case?

MR. MARK PRYOR: I'm not too sure, because they have one case from 198 — 2006; they have a couple of cases that are not that old. There's a missing girl that they have, that case. I'm not sure, to be honest with you. I'm not sure.

CHAMMAH: What's your relationship with him like, you being a former journalist?

CHAMMAH: Okay. And then also, you wrote on your blog fairly recently about these sort of recent changes in the D.A.'s office with, with jury trials and how they want a more limited number of people in a pool that are selected. You know what I'm talking about?

MR. MARK PRYOR: Hmm-mmm

CHAMMAH: -- or this whole issue of reimbursing defense lawyers and that process. Am I talking off a cliff?

MR. MARK PRYOR: I don't remember. I don't remember that at all. Was I speaking very theoretically?

CHAMMAH: Yeah.

MR. MARK PRYOR: Do you have the blog there? Sure it's mine?

CHAMMAH: See where it says "Recent changes?"

MR. MARK PRYOR: Oh.

CHAMMAH: Is that you? 'Cause I read that and I was super curious.

MR. MARK PRYOR: You didn't happen to notice the date on which it was posted, did you?

CHAMMAH: No, when is the date?

MR. MARK PRYOR: April first.

CHAMMAH: April Fools'.

MR. MARK PRYOR: Yes.

CHAMMAH: That's great.

MR. MARK PRYOR: Yeah, last year I did an April Fools' too and somebody fell for it this year other than you.

CHAMMAH: The one about clothing seemed pretty ridiculous.

MR. MARK PRYOR: Okay.

CHAMMAH: And I just figured maybe he's kidding on this last of three or something.

MR. MARK PRYOR: No, no, they were all a joke. In fact although Steven Kreytak, the *Statesman* reporter, apparently his editor told him, saw the blog, read that, and said, "Hey, check that out, this looks like it could be a story,"

And he's like, "Dude, that's an April Fools' joke." But he let me know.

MR. MARK PRYOR: I get on pretty well with him. He did an article about my blog a couple of months after it had been going and I've always found him to be very fair and objective. Again, a lot of D.A.s don't trust media just as a rule and so it's hard for them to earn, hard for journalists to earn trust but I think he has, certainly with the people I know and I would trust him. I think he does a good job and he's got this thing where he tweets during a trial that, I know a lot of people follow those.

CHAMMAH: I followed them recently.

MR. MARK PRYOR: My wife did, Tom Walsh's wife did, Efrain's wife did, yeah, very interesting way to cover a trial. Great way to cover a trial.

I don't know too many other reporters. He's the one that's there the most, but I like him.

CHAMMAH: Do you have any questions?

SMITH: You touched upon this a little bit earlier, but I was wondering if you could talk a little more about how the people you work with respond to you being from another country, or how that influences your relationship with them or the clients you work with.

MR. MARK PRYOR: They're a bunch of racists, to be honest with you. All they're interested in is in the wedding.

Oh, I don't know, when you work closely with people in a kind of a stressful environment they're always going to find something to make fun of you about and usually it's my accent, and that's fine. That's fine. When I win a case, especially a difficult case like the cold case, they tend to attribute that just to the accent, which is outrageous, of course, 'cause it's my legal skill that did it.

I don't know, it's like with my family and friends, after a while people seem to just completely forget that I have an accent, although I have been known to play it up a little bit. I had an arson case and I kept talking about the fire brigade, fire brigade came here, fire brigade did that, and my wife was at the trial and at the break she said, "You know they don't call it the fire brigade."

I said, "Yeah, I know."

Somebody who's incredibly good-looking is going to use that, somebody who has a cute French accent's going to use that, people use what they have. I don't have a great legal mind so I use my accent. I have to.

As far as I know, it's a non-issue with my colleagues, I think.

CHAMMAH: What other experiences have you had in court of seeing people use—what are some other, I mean, there's the obvious ones, like accents and looks?

MR. MARK PRYOR: Well some people are—it's just sort of personal style and the big thing that people have always told me is not to try and emulate somebody else, it's just to do your thing. If you're funny it's okay to be — don't overdo it, of course, in a murder trial, but it's okay to be funny.

Efrain, my second chair, we're like yin and yang, I mean, he's shorter, Hispanic guy, very serious, former military, very hard-core, very detail-oriented, everything I'm not, but in closing argument, when he got passionate, you knew he felt it. This isn't a guy who's going to fake stuff, who's gonna act. I might. Some other lawyers might. Being in a jury

27 of 29 Texas After Violence Project Interview with Mr. Mark Pryor
Interview dated, May 3, 2011 This version of transcript May 26, 2011
Posted June 10, 2011

trial is sort of theater. But you get someone like Efrain, and if he's shaking with passion, then, boy, you better believe that what he's saying is, he means it.

I've seen defense lawyers, one guy who was just trying to be funny the whole time and it was just painful, because it's great for an ice-breaker, I do it too in *voir dire*, but after a while it's like, we're in a felony trial here.

So I think the thing is that I just see people play to their strengths. Gary Cobb who is a very experienced trial lawyer is just very eloquent, great speaker. One of my colleagues recently, a female lawyer, just real, very passionate, and fine, go with it. She's cried during closing arguments on child abuse cases. She's cried. And afterwards somebody might make fun of her, but I'm like, that's what she's feeling. She's not faking it.

CHAMMAH: Are there people who do fake it, end up crying?

MR. MARK PRYOR: No, I don't know that there are people who fake it. Like I say, I play to my strengths and I've never faked tears or even emotion. For myself, I'm very spontaneous, especially with closing arguments. I don't prepare what I'm going to say, I wait and react to what the defense lawyer says and just have my themes in my mind and take it from there, and so it's hard to be — it's hard to fake stuff when you're doing that, you just have to be real, you have to go with what pops into your head and hope that it's articulate. But I don't think we have enough time to be concocting acts for juries or for people. People are there because they're doing what they think is important, they're doing it the way they think it's important, so hopefully that comes out.

CHAMMAH: And what's your relationship like with, we've talked about this a little, with the judge of your court? And has that changed over time as you've done more and more cases in front of him?

MR. MARK PRYOR: Well, he's been there a long time, he's, eighteen years, I think. He used to be a prosecutor, used to be a defense lawyer, so he's kind of seen everything. I have a huge amount of respect for him because he's a very, very wise man and even after all this time this amazes and impresses me with him. He's just real interested in every case and making sure that justice is getting done. He's more active sometimes than other judges but never in a kind of an intrusive way. He's very interested in the legal, if we have a legal issue come up, which we don't that often to be honest with you. A lot of these cases sail through without evidentiary issues coming up. When they do, he's very thorough about researching it, he'll get input from both sides but he'll always go and research it himself which I like, and I've never known him to make a bad decision that way.

I think he's very fair, as well. There's always a, there's an easy tendency in a judge to lean too much to the defense because that's not going to come back and bite you, but it's—I just think he's a very fair judge and we get on great. He's learned that if I say I'm going to do something or if I say something that it's going to be true. I think we trust each other and it's a really good working relationship. I actually think we have a lot of good judges over there right now. But I've enjoyed working with him and hopefully will for a bit longer.

CHAMMAH: Have you had experiences working with, if not judges, then other lawyers or just other people that you don't like, and don't get along —it doesn't work very well and what are the reasons for —

MR. MARK PRYOR: I really haven't. I really haven't. I mean, there are some judges who have quirks, I think, but I worked with Judge Perkins who I got on great with. As far as lawyers, no, I really haven't, I haven't had to work with anybody I don't get on with. Whether they're keeping those people away from me, or keeping me away from other people, I don't know. But we have a lot of people, I work with tons of people cycling through this court. I've been there the longest. Half a dozen people and I've gotten on, as far as I know anyway, gotten on very well with them.

CHAMMAH: Is there anything else that you'd like to share with the public record, broadly speaking?

MR. MARK PRYOR: I don't think so. You guys are pretty thorough.

CHAMMAH: Thanks. And you share with the public all the time, I guess.

MR. MARK PRYOR: Yeah, that's right.

CHAMMAH: Thank you so much. We learned a lot.

MR. MARK PRYOR: You bet, you're welcome.

CHAMMAH: That's great. Well, I guess we'll just be in touch with the transcript and with the D.V.D.'s and all that kind of stuff.

[Tape 2 ends]