

NO. 366-81638-2011

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
V.	§	366TH JUDICIAL DISTRICT
JAMES STEPHEN SPENCER	§	COLLIN COUNTY, TEXAS

**NOTICE OF STATE'S INTENT TO INTRODUCE
EXTRANEOUS OFFENSES, UNADJUDICATED OFFENSES, BAD ACTS
AND PUNISHMENT EVIDENCE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the State of Texas, by and through her District Attorney Pro Tem and hereby gives this notice to the Defendant of its intent to introduce evidence of extraneous offenses, bad acts at guilt/innocence pursuant to Tex. R. Evid. 404(b) and unadjudicated offenses and bad acts at the punishment phase of the trial of the above entitled and numbered cause pursuant to Tex. Code Crim. Proc. Ann. Art. 37.07.

I.

In addition to the charged offenses alleged in the pending indictment, the State intends to offer evidence of the following acts either at guilt/innocence or punishment:

1. On or about February 28, 1990, at 31 Medical Group, Homestead AFB, Florida, the Defendant did then and there commit violations of Article 125, UCMJ Sodomy, and Article 134 UCMJ, Indecent Acts or Liberties with a Child. Specifically, Defendant did place his mouth on the penis of a three year old boy. In or about March 1990, the Defendant admitted said conduct.

2. On or about April 24, 2001, the Defendant entered a no contest plea to the offense of

~~False or Fraudulent Insurance Act~~ in Case No. 001700006 in the 2nd District Court, Davis

County, Utah, and on or about May 2, 2001 the plea was held in abeyance.

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 PATRICIA CRIGGER
 DISTRICT CLERK
 COLLIN COUNTY, TEXAS
 BY *[Signature]* DEPUTY

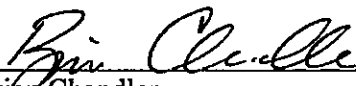
3. In or about September 1998 through in or about December 2002, the Defendant relocated M.Y. to Utah without notice to Scott Yeats, M.Y. father and knowingly and purposely secreted, denied the physical home address and telephone number, denied access, visitation, and possession of M.Y.
4. In or about September 1998, the Defendant relocated M.Y. and S.S. to Utah without notice to the Noel and Catherine Vaughn, M.Y.'s and S.S.'s grandparents, as required by the Agreed Order Granting Grandparent Access entered by the 28th Judicial District Court of Nueces County, Texas, and as required by the Texas Family Code.
5. In or about September 1998, the Defendant knowingly and purposely secreted and denied the physical home address and telephone number of M.Y. and S.S. from Noel and Catherine Vaughn, Yeats's and Spencer's grandparents.
6. On or about September 12, 1998 through on or about January 11, 2003, the Defendant denied Noel and Catherine Vaughn, Yeats's grandparents, access, visitation, and possession of M.Y.
7. On or about September 12, 1998 through on or about January 11, 2003, the Defendant the Defendant denied Noel and Catherine Vaughn, Spencer's grandparents, access, visitation, and possession of S.S.
8. On or about January 18, 2005, in Hays County, Texas, the Defendant was held in civil contempt for the above acts and was ordered to serve a suspended sentence of 1,200 days in confinement and pay a fine of \$12,000. Defendant did serve 10 days confinement and pay a fine of \$100.

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9. On or about February 11, 2008 through on or about February 29, 2008, in Collin County and Dallas County, Texas, the Defendant committed the offense of Theft of Service (\$20,000–\$100,000) against Edward Valentine IV and Booker Industries.
 10. On or about August 18, 2010, in Collin County, Texas, the Defendant committed the offense of Aggravated Perjury when the Defendant testified before the Collin County Grand Jury and made a false statement on whether he paid the Texas Home School Coalition PAC for a political mailer in connection with the Suzanne Wooten Campaign.
 11. On or about February 8, 2009, in Washington, D.C., the Defendant sexually harassed Jami Turchi, a co-worker at Tecsys Development, Inc.
 12. On or about October 9, 1996, in Travis County, Texas, the Defendant was convicted of Class A misdemeanor Theft and received 1 year confinement in the Travis County Correctional Center probated for 1 year and a \$300 fine in Cause No. 945167 in the 299th District Court, Travis County, Texas.
 13. On or about June 27, 2006, in Hays County, Texas, the Defendant committed the offense of Issuance of a Bad Check, by issuing a check payable to Wimberley Shamrock which was returned due to insufficient funds.
 14. On or about August 22, 1995, the Defendant received deferred adjudication for a term of 3 months and a fine of \$100 for the offense of Failure to Identify in Cause No. 613793 in County Court at Law #2, Bexar County, Texas.
 15. On or about February 21, 2008, the Defendant received deferred adjudication for a term of 90 days for the offense of Theft by Check (\$20–\$500) in Cause No. 088163 in County Court at Law #2, Hays County, Texas.

16. On or about November 11, 2007, the Defendant received deferred adjudication for a term of 90 days for the offense of Theft by Check (\$20-\$500) in Cause No. 082420 in County Court at Law #2, Hays County, Texas.
17. On or about March 17, 2011, the Defendant was evicted from his residence by court judgment in Cause No. F11-004J4, in Justice of the Peace Precinct 4, in Hays County, Texas.
18. On or about August 5, 2010, the Defendant was evicted from his residence by court judgment in Cause No. F10-020J4, in Justice of the Peace Precinct 4, in Hays County, Texas.

Respectfully submitted,

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State Bar No. 24013740



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CERTIFICATE OF SERVICE

A true and correct copy of the State's Notice of State's Intent To Introduce Extraneous, Unadjudicated Offenses, and Punishment Evidence has been forwarded to counsel listed below on the 21 day of July, 2011.

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