

CHRIS SPENDLOVE'S ROOKIE YEAR

The *Texas Bar Journal* tags along a McLennan County assistant district attorney's first year of practice.

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It's a sunny and chilly Monday morning in February 2024 outside the McLennan County Courthouse in Waco. Inside the courtroom in the annex, connected by skyway, it's a little warm but the lights are cool and stale. The room is huge with pale, flat walls and fat rectangular pillars holding up the ceiling. There are rows and rows of metal chairs with numbered signs on the seats. It looks like a huge waiting room at the DMV. A bailiff and a court clerk checked the courtroom's crackling-then-silent microphones; the judge face-palmed and uttered, "Good Lord." The defendant glanced from his table at the scores of jury panelists filing in.

On the docket: a 42-year-old man with prior convictions accused of evading police in February 2020. The case was a little unusual in that the defendant wasn't technically the driver, and though the charge of evading arrest carries a range of 2 to 10 years' imprisonment, he was facing 25 to 99 years. The defendant had previously said no to a 10-year plea deal. Arguing on behalf of the state were McLennan County assistant district attorneys Kristi DeCluitt and Chris Spendlove, a former advertising copywriter and commercial actor who was just weeks away from his first-year anniversary as a licensed Texas attorney.

The judge primed the 60 potential jurors on the procedure for jury selection, the trial, and the punishment phase. He reviewed concepts like "reasonable doubt" and checked in with the group on their comfort level deciding the defendant's fate. The judge told people to speak up for the court reporter because "the mics above you don't work." He then introduced Spendlove.

"He's the tallest guy in here," the judge said. "You can't miss him."

Since spring 2023, the *Texas Bar Journal* has intermittently tagged along with Spendlove, 6'5", for a front-row seat to a freshman attorney's first year of law practice. The 33-year-old made the switch to law during the pandemic while working in advertising in Utah and raising kids Sophia and Joseph with his wife, Jorden. Spendlove enrolled at Baylor Law and took internships with the Limestone County Attorney's Office, the Bexar County DA's Family Violence Division, and the McLennan County District Attorney's Office. He passed the bar in February of that year, and two months later, he was sworn in as an assistant district attorney in McLennan County



Editor's Note: The TBJ followed Spendlove's experience to show future Texas lawyers what to expect when approaching their own legal careers, with the goal of highlighting issues and resources that will help them become better lawyers.

and had his family in tow as he took the new lawyer's oath in Austin. Today marked Spendlove's first time arguing a habitual felony offender case and the first time the *Texas Bar Journal* sat down with him since he took paternity leave in the fall when his daughter Scarlett was born.

"I was going to go down the aisle Jerry Springer-style but figured they wouldn't enjoy that," Spendlove began the jury selection.

He explained what phase they were in now—*voir dire*. "It's French, but here we say [in a feigned Texas drawl] *voy'r-diiire*." The young assistant district attorney emphasized the importance of jury duty, telling the pool of 60 how a jury's vote is 1-in-12 compared with a national election where a single vote is 1-in-100 million. "One-in-the-hundred-thousands here in McLennan County."

We first saw his comfort level with a jury pool during a misdemeanor weapons possession trial in June 2023. Then, Spendlove was reassuring but firm as he weeded people out based on their responses to questions like "Should everyone be able to own a gun?" or "Does anyone have strong feelings on law enforcement?" Today was similar. "Is there anyone who feels like people should get as many chances as they're willing to take?" he asked. "It's OK. A lot of reasonable people think this."

Punishment ranges increase by a degree with a prior conviction, Spendlove told the jury pool. A third-degree felony carries a sentence range of 2 to 10 years and with a prior prison stint, that doubles to 2 to 20 years, he said. Two previous prison sentences make that range jump to 25 to 99 years. Today is a chance to show his bosses he can prosecute a case with higher stakes than the usual probation revocations and misdemeanors he sees in his court, he later told us.

"Who here has had a plumber come by?" Spendlove asked. One woman raised her hand.

"What did he have with him, probably a bunch of tools?" he asked.

"Did he use all of them?"

"Heavens no."

"That plumber has all the tools—in our case, the punishment range—but only uses what he needs. And that's what we're doing today."

'BABY PROSECUTOR SCHOOL'

At 10 a.m. on a sweltering Thursday in July 2023, the *Texas Bar Journal* met with Spendlove at the Hilton Austin in downtown Austin. The site was host to the Texas District & County Attorneys Association Prosecutor Trial Skills Course, where just under 200 newly hired prosecutors from across Texas were spending a week learning from seasoned pros the ins and outs of a trial from jury selection to closing arguments.

He called it "baby prosecutor school" and at his lunch table were prosecutors from Harris, Dallas, Baylor, and Bexar counties, as well as New York. The group's faculty adviser was Kristin Burns, a no-nonsense, blunt felony trial chief from the 272nd District Court in Brazos County. During the breakout sessions, Spendlove asked Burns the bulk of the questions. "What if I have an assault victim still texting [her abusive partner]?" "Get those text screenshots and use them to show she isn't being cooperative," Burns responded.

The group went over a hypothetical domestic violence case—"Thanksgiving gone bad," Burns said. The discussion on the case centered on things like understanding relationship types. If a relationship is past simply dating, then prosecutors need to spend more time with the victim to get case details, she told



them. Burns then asked the group how to prove bodily injury when there's no visible markings on the victim. The group gave examples, including Spendlove's rubber-band-snapping-on-wrist analogy. The standard is pain.

After the breakout session, Spendlove said he expected that course would cover a broad range of topics. Spendlove was there with an open mind and ears, ready to add techniques to his toolbox.

"Stuff like this helps you hone your craft or helps you say, 'I think they may work for me, I may try that out' or 'I hear what they're saying [but] I don't really think it's going to work in my county,'" he said. "But good to know if I ever move to a different jurisdiction."

THE INCUBATOR

The McLennan County Courthouse

The courthouse is a bright white limestone building. Built in 1901, its Beaux-Arts style leanings are highly decorative: Statues of eagles spanning their wings line along the courthouse's dome. Ahead of them are Ladies Justice standing guard. Inside the dome are blue, star-shaped jewels and underneath it, bishop-shaped railing with dark wood tops rounding an open floor for three stories.

Spendlove's typical court is the County Court at Law No. 1. This is a largely misdemeanor court—a proving ground for young attorneys, where he has been since March 2023. The stakes in this court are usually low and the excitement minimal—Spendlove had only nine trials under his belt here—but it's his place to argue cases as a rookie, learn from mistakes in court, and get one-on-one advice from prosecutors who tend to sit in on each other's cases and from judges like Vikram "Vik" Deivanayagam.

In April 2023, the *Texas Bar Journal* spent an entire day here at probation revocation hearings, where the highlight was a defendant who was stoned and sample-shy before he was to provide Judge Deivanayagam with a urine sample. Another day in June 2023 was Spendlove's second-ever trial, a felony hearing where he had an officer witness reenact drawing a gun on a defendant during an arrest. The defendant already had misdemeanor convictions in the last two years. But those maximum penalties were not 25 to 99 years and the jury pool was composed of 20 Wacoans.

Trial Prep

Spendlove's trial preparation is visual and collaborative, involving white boards and fellow assistant district attorneys as well as McLennan's elected district attorney, Josh Tetens. His processes have uncovered strategies and approaches that end up turning the tide of cases, he said in an email. The rundown:



- “We pitch our case using a white board to the team and talk through the strengths and weaknesses of the case. Sometimes we do it earlier on in the process if we have big questions like ‘if we don’t have our victim, can we prove our case?’; most of the time we board a week or two before the case to talk through our presentation of the case, potential fatal flaws, pertinent case law, and topics on which we will/should voir dire.”
- “Coming out of the boarding process, I have an idea of the legal battles that I need to anticipate in a case. I then take those questions to Westlaw and arm myself with the law and craft solid arguments. Most of the time this work is to get our evidence in or to keep defense’s evidence out.”
- “I always want to make sure my tech works. It’s [embarrassing] in trial when your PowerPoint or document cam doesn’t work.”
- “I go to my chief (Kristi DeCluitt) with questions and then she and my other bosses and mentors Ryan Calvert, Michel Simer, and Josh [Tetens], are there in the trial texting us tips and ideas. We usually have quite a few people watch and take notes during our voir dire and closing arguments.”

Back in Session

Back in the annex in February 2024, the jury of 12 was selected and sworn in. Spendlove explained the charge against the defendant—a felony for evading arrest, with a penalty range of 25 to 99 years—and painted the scene. In February 2020, the defendant, a parolee, was the passenger of a car driving at 13 mph with the passenger door open in northwestern Waco when his driver was pulled over for running a red light. When an officer told the driver to take her hands off the steering wheel, she did—however, the defendant leaned over and pushed the accelerator with his hand and the car sped away, wrecking on Lake Shore Drive. The defendant had given officers his wallet, which contained his ID as well as his parole officer’s business card among other items. He had seven prior felony convictions, 10 misdemeanors, and had served two prison sentences, during which he joined a prison gang. He was later arrested.

Spendlove played a jail call the defendant made in which he describes starting the car with his hand before leading the police on a high-speed chase (in reality, the police held off on chasing the car, body camera footage showed). His tone was no longer reassuring and relaxed. Spendlove was matter-of-fact and resolute. The defendant stared intently at him and remained stone-faced as the assistant district attorney brought in witnesses.

Spendlove’s first witness was an officer who provided his body camera footage. In the video, the officer asks the woman who was driving what was going on; another officer on the scene said he saw marijuana in the car. This prompted the defense attorney to object on grounds of hearsay. Spendlove, unwavering, responded, “This concerns an action that was acted upon.” The judge overruled. The defense objected two more times—once when the officer described the initial call as “suspicious” and again when the officer described another’s difficulty identifying the defendant during the traffic stop. “This concerns an action that was acted upon” and “overruled” twice more. Spendlove’s witness, as well as co-counsel DeCluitt’s two witnesses, were all passed without a single objection and the trial was concluded for the day.

Chris’ office

Back across the skyway is Spendlove’s office in assistant district attorney row. Neighboring offices belong to DeCluitt and several others, and their hallway is a frenzy of shop talk about different cases of the day. He liked his skills in talking to a live jury. He liked his ability to know what a good offer is. And he liked little things like showing the jury a map of the arrest location to take the abstract idea of the address and put the jurors there.

Spendlove wondered about the defense attorney who objected a few times during his portion of the state’s case but remained silent during DeCluitt’s. The young assistant district attorney thought it could be a test from the seasoned defense attorney. Spendlove recalled the low stakes of his court, saying it’s great for preparation as he eyes prosecuting higher-stakes cases down the road like murder and sexual assault. This is just more prep, he said. Even if he lost any case, Spendlove said, he’s privileged to be able to advocate for victims at all. Among his goals: learning to balance his willingness to go to trial with offering a deal first and toning down his zeal during jury selection (he admitted he struck potential jurors—uncomfortable with the punishment range—who could have helped his case).

Spendlove’s office carries symbols of the things most important to him: Tons of music records (he’s a Pink Floyd fan), family photos, a flier from a musical he took part in at the Waco Civic Theatre, and a blue piece of paper from his son with “Joey” written in green. Back at the TDCAA prosecutor course in 2023, Spendlove said he took the assistant district attorney job to be a representative of his community and stand up for victims and justice. His children were front and center of the conversation. “They’ve come to the office quite a few times,” he told us then. “Our team knows my family very well. I want to inspire my kids with what I do. A big part of the reason why I took the job is to show them that you can have a career as a public servant and do a lot of good. I don’t want them to be afraid. They’re my whole world.”

Spendlove won his case—the defendant was found guilty in 10 minutes and sentenced to 75 years in prison after 45 minutes. “[I] couldn’t be happier,” he texted the *Texas Bar Journal*. “He proved time and again he was a danger to the community. The jury showed him with that sentence that enough was enough.” **TBJ**