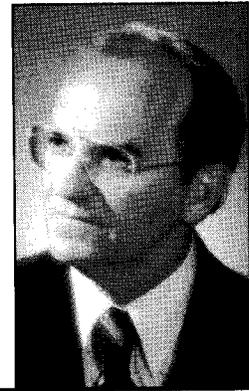


Depositions v. Trials: Cindy Singleton Redux



Judge Jerry Buchmeyer

And still more examples. . .

The Cindy Singleton Collection

. . . starting with some more contributions from **Cindy Singleton**, who is now at the City Attorney's Office in Dallas—and who sent me these excerpts after cleaning out her desk during her last week at the Tarrant County D.A.'s office.

Judge: Is the defendant known by any other names?

Defense: Do you have an a.k.a?

Counsel:

Defendant: Hell Lady, I don't even have a car!

* * * * *

Jury Note (from a six-person, misdemeanor jury):

"We are hung 4 to 3."

* * * * *

During an interview with the prosecuting witness before trial:

"He beat on me and then he made me have sex with him. Although I probably would have had sex with him anyway even if he hadn't beat on me."

* * * * *

Prosecutor: Your Honor, may the record reflect that I am holding that particular male anatomy that's commonly referred to as the penis?

Court: The record may so reflect.

(Cindy explains: "It was really an anatomically correct doll.")

* * * * *

Mr. Alley: Ask that you instruct the jury to disregard, Your Honor, the comment of Mr. Koos.

Court: Jury will disregard the statement by the District Attorney estimating what Mr. Alley might think.

Mr. Alley: Or if he thinks.

Court: Or if he thinks.

* * * * *

A. Charles Ray Trimble and Charles Lee Trimble. Charles Ray being the father, I believe; Charles Lee being the son.

Q. And—and Charles Ray being the one that's the older of the two—

A. Yes, sir.

Q. —is that correct?

Did I Really Hear That?

From **Randy Heldt** of Houston (Funderburk & Funderburk), this excerpt from a "workers' compensation death case." Randy explains that "the decedent was named Fred" and that the witness "is the widow who left Fred while he was in Germany and did not live with him again before his death."

Q. You lived for a while with Darrell Jordan.¹ Is that right?

A. Yes.

Q. Was he like a boyfriend?

A. No, sir.

Q. I mean, were ya'll together like romantically?

A. We have a few times.

Q. I take it while you were living with Darrell Jordan, you weren't seeing Fred. Is that right?

A. Yes, we seen each other.

Q. I mean, did that bother Darrell Jordan?

A. No, sir. He knew.

Randy suggests: "this might be entitled 'Romance Isn't What It Used To Be' or 'Let's Not Beat Around The Bush.'"²

Kim Richardson of Freeport (Farmer, Brown, etc.) sends the "excerpt from a probation revocation hearing in which my husband, Scott Richardson, formerly of the Brazoria County Adult Probation Department, is the witness." (Ken Dies is the prosecutor, and the hearing is before Judge J. Ray Gayle, 239th Judicial District).

Q. Mr. Richardson, do you know a person by the name of Jesse Zambrano?

A. Yes, sir, I do.

Q. Do you see Mr. Zambrano in the courtroom today?

A. Yes, sir.

Q. Point him out and describe what he's wearing for the Record, please.

A. He is wearing a blue, short-sleeve V-neck velour shirt with a horse's emblem on the left chest; blue denim jeans; black belt; and black shoes.

Mr. Dies: Your Honor, may the Record reflect this witness has identified the defendant?

Court: Record may show that, I thought this was a fashion.

Many of Us Have the Same Problem, Tom

Jerome Aldrich of Angleton (and a Brazoria County assistant district attorney) sent this trial excerpt with the simple observation that it "shows that all prosecutor Tom Selleck (not related to the movie star of the same name) and the defense attorney, Lloyd Stansbury wanted during jury voir dire was an UNBIASED jury."

Mr. Selleck: I certainly thank ya'll for your time and you've been very helpful to myself. Anybody that has any questions of me based on anything I've said? Okay. Thank you.

Ms. Grigsby: You're not going to use the back row?

Mr. Selleck: Well, I'm a lawyer and if I talk to the back row it will take another 45 minutes.

Ms. Grigsby: You know what, I find you very attractive and I might be biased in a different sense. I'm afraid I might decide for you.

Mr. Selleck: That's a first for me I assure you, but thank you.

The Court: Counsel, you have exceeded your 45-minutes, if that helps you any.

Life is Funny . . .

Although the practice of law is a serious endeavor, once in a while either in court or while taking a deposition, somebody says something that should be included in the "et cetera" column. If this happens to you, please send a copy of the humorous proceedings to Judge Jerry Buchmeyer, U.S. District Court, Northern District of Texas, Dallas 75242.

Mr. Selleck: Thank you, Your Honor. The judge has given me my out. Thank you very much.

The Court: Mr. Stansberry.

Mr. Stansberry: Thank you, Your Honor.

Unidentified Juror: Let's see you top that one.

Mr. Stansberry: I'm not even going to try.

Coming Clean

From Barrett W. Stetson of Dallas, this excerpt from a deposition in an age discrimination suit:

Q. Mr. Brooks, I represent Paul Rifkin. . . Do you understand that he has brought a lawsuit claiming he's been discriminated against on the basis of his age?

A. Yes, sir, I do.

Q. Have you had an opportunity to prepare for today's deposition?

A. Say again?

Q. Have you had an opportunity to prepare for the deposition today?

A. I took a shower and cleaned up.

1. This is not the State Bar president from Dallas, but it might well be "his other brother Darrell."
2. But there still may be hope for romance. In a personal injury-car wreck case, in which only the wife was injured, this is the husband's answer to interrogatories served by Sid S. Stover of Jasper (Seale, Stover, etc.): Describe in detail each and every respect in which you contend that defendant(s) caused or contributed to cause your alleged injuries, stating specifically all facts upon which you base your contentions.

ANSWER:

"The defendant caused a very difficult injuries to me by putting my wife in so much pain; that is slow down my love life and business. . . My sex life is very limited because she is either sick or hurting; can't do this, can't do that. As I said I married a younger woman to keep me young especially in a sexual way. Now I'm going out of my marriage to be sociable with other women. It is powerful upset in my business and life."

3. And while we're on the subject. Curry L. Cooksey of Beaumont, (Orgain, Bell, etc.) thinks it's High Time that *et cetera* "devotes some time to a discovery device that can really show how stupid questions can be when they are framed by an attorney: the interrogatory." Curry then shares two interrogatories he received in a personal injury-car wreck case in which a cab driver was killed.

1. Please state whether you have any actual or constructive photographs in your possession.

2. Please describe each individual or attorney who has knowledge of the past or present physical capabilities of the decedent.

Curry ends: "Although I doubt that the decedent has been dug up lately, I have it on good authority that he has very little present physical capacity."

Jerry Buchmeyer is a federal district judge, Northern District of Texas, in Dallas.