

A. Had there been adequate markings or perhaps a flagman, to indicate what side of the lane to use, perhaps either myself or the driver of the van wouldn't have been in the other lane.

Q. Which other lane?

A. Well, whichever one we weren't in....

Q. What did you do after the accident?

A. The first thought that crossed [my mind] was that somebody was going to have the new green lights to travel west, who's going to recognize me and try to run over me....

Q. Why would somebody try to run over you?

A. Motorcycles are notorious here in Laredo for issuing citations. ... They have respect for us. It's just that, I felt that one of them would see it as their chance to not see me lying on the road and take advantage of the situation.

What's Happening in Lufkin?

Judge David V. Wilson of Lufkin (217th District Court) "felt compelled" to submit these two excerpts from recent hearings in criminal cases in his court. The first, as Judge Wilson explains, "was a rather feeble attempt to have a formal arraignment" of a *non compos mentis* defendant "who twice invoked all the rights and privileges extended to him by *Roe v. Wade*."

Court: Mr. Defendant, I've asked your attorney to go over your indictment with you, and has he done so?

Defendant: *Roe v. Wade*. I was mugged by Alton Allen.

(Pregnant pause.)

Court: Okay. Has —

Defendant: I was onto a check-cashing racket going on at Polk's. So when they figured out I was onto it, they called the law on me. Alton just walked up and hit me *in the fact*. [sic] They threatened to shoot me with a gun and everything else.

Court (wisely): Okay.

Defendant: And when I lived at the Lufkin Donut Shop — the crack salesman living beside me —

Court: Excuse me. Would you be quiet, please? This is not a time for you to

make a statement to the court, okay? This is a time for you to be advised of what you're charged with.

Defendant: I'm really not charged with anything. They just made it up. ... He hit me first and mugged me for 300 bucks.

Court: I understand that. He may very well have done so. And if you're found guilty of that offense ... it carries a range of punishment from two to 10 years in the penitentiary and up to a \$10,000 fine.

Defendant: *Roe v. Wade*.

Court (wisely): Okay.

Defense Attorney: It's a plea of not guilty.

Judge Wilson's second contribution involves a defendant he "thought was playing games with me. I later learned that he had four years of college and is now a twice convicted felon."

Court: To the offense of possession of a controlled substance, cocaine, how do you plead?

Defendant: No contest.

Court: Okay. Do you understand, by your plea of no contest, that you can still be found guilty?

Defendant: Yes, Your Honor. ...

Court: Has anybody else promised you anything else to get you to plead no contest?

(Long pause.)

Defense Attorney: Have you been promised anything other than the plea bargain and dropping that other [count and the old charges]?

Defendant: Other than that, no, Your Honor.

Court: Okay. *Nobody's promised to buy you a Cadillac?*

Defendant: No.

Court: *Nobody's promised anything else to make you plead no contest?*

Defendant: *No, but I'm still open for it.*

1. Although this title accompanied last month's column, the story that went with it did not. For those of you who did not notice, please disregard this footnote. For those of you who did, blame it on the *Bar Journal* editors who are extremely sorry and offer this sheepish footnote in apology.

Jerry Buchmeyer is the chief judge, U.S. District Court, Northern District of Texas.

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