



Ain't Nobody's Business

BY JERRY BUCHMEYER

THE TITLE CONTRIBUTION FOR this month's column is from **James D. Bradbury** of Jonesboro, Ark. The others are from Austin (**Malcolm Greenstein**), Beaumont (**Louis M. Scofield, Jr.**), Edinburg (**District Judge Juan R. Partida**), Houston (**Jeffrey A. Hirt**, **Kevin P. Riley**, and **Tracy A. Smith**) and Wichita Falls (**Judge Tom Bacus**).

DOES JUSTICE SCALIA KNOW THIS?

From **District Judge Juan Partida** of Edinburg (275th Judicial District), this excerpt from the cross-examination of a witness for the Mission Police Department in a civil case by a prisoner:

Q. Okay. Now correct me if I'm wrong, but *doesn't an inmate have a constitutional right*, under the laws of the State of Texas and under the laws of the United States, *to make a phone call*?

A. *No, sir. Constitutional right? There were no phones when the Constitution was written*

Q. No, no, no. No, no, no. I'm sorry. I'm going to have to think about that one.

LET'S STOP FOR A BIG MAC

From **Malcolm Greenstein** of Austin (Greenstein & Kolker), this excerpt from a deposition in a discrimination suit against Texas A&M University and other defendants (including the witness, a university employee).

Q. And who is your supervisor?

A. My supervisor is the provost and the executive vice-president of the university.

Q. And who is that?

A. At this point, *It's Dr. Ronald McDonald.*

DID THEY REALLY SAY THAT?

From **Louis Scofield, Jr.** of Beaumont (Mehaffy & Weber), this excerpt from the trial of a personal injury case "against a local establishment where they serve drinks and people *dance*."

Q. Was there anyone else sitting at your table?

A. Yes, sir. There was about eight couples there that night.

Q. Did you have a date that night?

A. *No, sir. I had my wife with me.*

Tracy Smith of Houston witnessed this exchange in a Harris County Family District Court hearing involving the alleged father in a paternity action.

Q. Now, I believe your DNA test results came back positive ...

A. Oh, no, ma'am. *I was no-billed on that one.*

From **Kevin Riley** of Houston (Hudgins, Hudgins & Warrick), this excerpt from the trial cross-examination of the plaintiff — who claimed his prize horses were damaged by a crop duster which flew "over his property, thereby spooking the horses into running through barbed wire fences."

Q. Now, you have claimed to be a horse breeder, is that right?

A. I personally do not breed the horses. I use stallions.

I DID A BUCHMEYER

From **Jeffrey Hirt** of Houston, this excerpt from his examination of the present wife of his client:

Q. Gina, how long have you known your stepdaughters?

A. Actually, since before they were born. When Joan was still pregnant.

Mr. Hirt: I'll send that one to Jerry Buchmeyer.

FROM ANONYMOUS IN HOUSTON

These three contributions are from a retired state judge in Houston:

1) In a trial before the late **Judge Joe Kegan** (230th District Court), the assistant district attorney asked: "*Without saying anything*, tell the jury what you did next."

2) In this deposition in Angelina County, the insurance company's attorney is trying to determine if Ms. Smith, who had a boutique in the insured's damaged building, was a tenant, a partner, etc.

Q. Mr. Jones, what was your relationship to Ms. Smith?

A. *Sexual.*

3) This footnote from an opinion in the appeal of a robbery conviction (490 S.W. 2d 574):

1. On examination by his counsel the record reflects:

“Q. ... have you ever heard about taking the 5th?

A. A 5th of wine?

Q. No, the 5th Amendment.”

FROM THE “HEX FILES”

Judge Tom Bacus of Wichita Falls (County Court at Law No. 2) sends this exchange which took place in a divorce case during the wife’s cross-examination.

Q. Now, you had a very healthy telephone bill [because] after you and your husband separated, you started abusing the telephone privilege that you had?

A. Yes.

Q. *In an effort and hope you could get your husband back you kept calling the Psychic Network; did you not?*

A. Actually I believe that was more to get back at him.

Q. But you didn’t get your husband back?

A. No.

AIN’T NOBODY’S BUSINESS

From **James D. Bradbury** of Jonesboro, Ark. (Barrett & Deacon) — James

says he is a former Dallas “*tall-building lawyer*” (as “folks out here refer to them”) — these excerpts from his deposition of a 92-year old woman “who had a little trouble hearing”:

Q. Okay. Ms. Tuttle, I’m just about done with you. You won’t have to listen to me anymore.

A. Huh?

Q. I’m about done here. I’ve just got a few more questions.

A. Well, hurry up and get it said. I’ll be glad to get rid of you.

Q. I’m sure you will.

A. I don’t like the look of young men that thinks they’re smart.

Q. My mama loves me.

A. Well, I don’t care. I’m not your mother.

Q. Well, I know you’re not.

A. If I was, I might kill you.

Q. Did you go to any other banks with Deloris or Lavetta?

A. Well, I might have. It’s a free country. Or I thought it was.

Q. Do you know what other banks you went to?

A. Yes. The ones I had money in was all.

Q. You can’t remember?

A. No. *That’ll do for your nut house.*

Q. Nut house?

A. Yes.

Q. What about the nut house?

A. Well, you might want to put me in the nut house. That’s what I think you’re fixing to do.

Q. Well, *I don’t want you in the nut house.*

A. *Well, quit asking me unnecessary questions then.*

Q. All right.

A. *Ain’t nobody’s business if I’ve got money.* It’s mine. I didn’t steal it.

Q. I believe you. I’m done.

A. Well, good.

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