



## A Rockin' and a Knockin'

BY JERRY BUCHMEYER

THIS MONTH'S TITLE CONTRIBUTION comes from Evansville, Ind. (**William Mullis**). The other contributors are from Beaumont (**Douglas Barlow**), Dallas (**Michael Miller**), El Paso (**Steven James**), Fort Worth (**Judge Scott Wisch**), Houston (**Bryan Scott**), San Antonio (**Don Pollock**), and Tyler (**Sean Healy**).

### TELL US ABOUT YOUR CRIMINAL RECORD

From **Bryan W. Scott** of Houston, this excerpt from a jury trial before **Judge John Compton** of Houston (151st District Court). The plaintiff, "an unsavory dressed fellow" suing a mortgage company represented by Bryan, was claiming "priority of his mechanic's and materialmen's lien." During his cross-examination by Bryan:

Q: Have you ever been convicted of a crime?

A. Yes I have.

Q. Did you go to the penitentiary?

A. Yes.

Q. How long?

A. Three years.

Q. What was the crime?

A. Felony theft by false pretext — something like that.

Q. Did it involve an M&M lien?

A. Yes it did, but I would have pled guilty to killing my mother to get the deal they gave me ...

Judge Compton (*wisely*): Let me see the attorneys in chambers.

### THANK GOODNESS!

From **Don E. Pollock** of San Antonio

(Don is the court reporter for the 166th District Court of Bexar County), this excerpt from a recent divorce case.

Q. Ma'am, I believe you indicated that you started having problems sleeping together because he had a snoring problem; is that correct?

A. Yes.

Q. In other words, you're telling me and the jury if he hadn't had the snoring problem, you would have slept with him. Is that it?

A. Correct. Well, we still slept together. We still had sex, as far as that's concerned.

Q. So the snoring didn't prevent you from having sex. Is that it?

A. No, because he was awake during that time.

### TIMELY OBJECTIONS

From **Steven C. James** of El Paso, this excerpt from a deposition he took in a case involving "the collapse of a huge rock wall being built on a hillside between several El Paso homes." Steven is questioning the defendant builder about the cause of the wall failure.

Q: Based on your experience in building rock walls, Mr. Cuevas, what caused this one to fall down?

Mr. Myers (objecting): *Lack of foundation.*

From **Michael A. Miller** of Dallas (Martin, Farr, Miller, etc.), these marvelous (!!) objections made by **David Gest** of Austin, who represented the witness being deposed.

Mr. Gest: We are going to be here

forever, Mr. Engel. Just answer the guy's question. Make Miller work for the answer.

A. I don't recall what their opinions were on that.

Mr. Gest: Good. Period.

Mr. Miller: If you have an objection, please state it.

Mr. Gest: *I object to my witness running at the mouth. Just answer his question and then shut up so we can get out of here before midnight, please. Go ahead.*

### PERMISSION TO BEG GRANTED

From **Sean P. Healy** of Tyler (Healy & Hester), this exchange that occurred while he "was waiting in the 114th District Court for [his] civil case to be called" after **Judge Cynthia Kent** finished a habeas corpus hearing. After the evidence concluded, Judge Kent was proceeding with lengthy oral findings, when "the defense attorney sensed that things might not be going his way." So ...

Defense Attorney: *May we beg ...*

The Court: *You can beg in a minute ...*

### MAY I APPROACH THE WITNESS?

From **Judge Scott Wisch** of Fort Worth (372nd District Court), this excerpt from one of his criminal trials.

Mr. Platt: May I approach the witness, Judge?

The Defendant: *Yeah.*

The Court: Do you have a middle name that I don't know about?

The Defendant: No. Why?

The Court: He said, "May I approach the witness, Judge?"

The Defendant: *Oh.*

The Court: Mr. Platt, you have both our permissions to approach the witness.

Mr. Platt: Thank you, Judge.

#### HOW LONG WERE YOU DEAD?

From **Douglas M. Barlow** of Beaumont, these excerpts from the voir dire examination in a capital murder case, of a potential juror who seemed "to be an expert on death."

Q. Have you ever been arrested for anything else, Mr. Clay?

A. Well, I had a hotel and this guy came in the hotel and cleaned the hotel, stole everything in the hotel; and we went [and] sold it to someone. *And this is the point:* I was in jail already when they did sold it.

Q. For what?

A. *I don't recall.* Because I used to help, you know, help the police department out.

Q. Undercover work?

A. Yeah, a little bit something like that. Kind of dangerous, you know. I like that, you know — *I got killed one time.*

Q. *You did?*

A. *Uh-huh. In New Orleans. Some people killed me* and what happened, they got a implant inside of me, inside of my temple; and what that implant is is the one thing that keep me alive. *And I'm worth about \$4 billion to the United States as long as I stay alive* with that thing inside of me ...

Q. Okay. How did you get killed?

A. I was in New Orleans and I was on the street and I was moving, you know, just going around and a bunch of people, about five of them, killed me, you know.

Q. How did they kill you, shoot you?

A. *Beat the heck out of me and tore my head off.* Got another face on me. They fix it back up, you know.

Q. *How long were you dead?*

A. *You can find out from the hospital how long I was dead.*

Q. *But you don't know?*

A. *No, I don't know. I was dead.*

Q. I understand. *So, you've been in jail twice?*

A. *Quite a few times but not for — not for doing nothing wrong.* Defending myself.

#### SOMETHING COMPLETELY DIFFERENT

From **Anonymous** in Someplace, Texas — *and I don't blame him!* — this excerpt from "bylaws" which had been prepared by parents who were incorporating a high school girls' booster club, which **Anon.**, had been asked to review.

The Sergeant at Arms shall:

(a) Confirm that a quorum exists at all meetings ...

(b) Maintain meeting order.

(1) *eliminate whining.*

#### ROCKIN' AND KNOCKIN'

From **William M. Mullis** of Evansville, Ind. (Fine & Hatfield), this excerpt from a products liability case involving "passengers being thrown from the rear doors of a 'conversion' van during a traffic accident." The witness is the owner and president of the defendant that manufactured the sofa-bed frame.

Q. Okay. How long were you in the RV business?

A. We started out when the RV first started. We started with Lux Company, a division of Coachman. And they were looking for someone to build a dinette set, so they could put it in *these love vans*. You know, they had these love vans. *They put mattresses in the back and these young people —*

The Witness: You probably had one.

Plaintiff's Counsel: I don't know what you are talking about.

The Witness: Yes. They said: *You see this van a rockin'? Please don't come a knockin'.*"

Contributions to *et cetera* should be mailed to:

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