



Committing Suicide Again

BY JERRY BUCHMEYER

THIS MONTH'S *ET CETERA* COMES from Amarillo (**Judge Joel A. Durrett**), Austin (**Molly D. Shannon**), Dallas (**Mike Bennett, G. David Ringer, Louis J. Weber, Jr., John J. LoMonaco**), Euless (**Parker McVicker**), Fort Worth (**Gerald Pruitt**), Houston (**Judge Russell Austin, C. Charles Dippel**), Midland (**Judge Lucius Bunton**, of course), San Antonio (**Michael S. Raign**), Waco (**Judge David L. Hodges**) — as well as from Little Rock, Ark. (**Clayton R. Blackstock**), Roswell, N.M. (**Royce E. Hoskins**), and New Orleans (**U.S. District Judges Marcel Livaudias, Jr. and Henry A. Mentz, Jr.**)

THE FEDERAL JUDGES IN NEW ORLEANS

This contribution comes from a federal judge in New Orleans, **U.S. District Judge Henry A. Mentz, Jr.**, by way of **U.S. District Judge Lucius Bunton** of Midland. It's an excerpt from a 1989 trial before another federal judge in New Orleans, **U.S. District Judge Marcel Livaudias, Jr.**

- Q. What did Sam do at M-I Drilling Fluids' office?
- A. Flies the planes occasionally.
- Q. Does he chase the secretaries around?
- A. Well, at the time that I've been there, there's only been one secretary and he doesn't chase me, but I don't let anybody chase me.
- Q. Have you had occasions to have to warn the secretaries there about Sam's propensities to make sexual advances towards them?

- A. (No response).
- Q. Didn't you tell Kathy Brown to beware of Sam?
- A. I met Kathy Brown in the supermarket after the incident with Dina Rogers. She knew about it and she was talking to me about it, and she told me he had made advances to her. And I said, "That is normal. He does that to everybody."
- Q. Did you warn Dina Rogers about Sam?
- A. *I didn't feel like I had to warn Ms. Rogers. She had been a prostitute for all of the federal judges in New Orleans before she came to work for M-I Drilling Fluids. I didn't think I had to.*

VERBAL TYPOS

From **Louis J. Weber, Jr.** of Dallas, these verbal typos which were sent to him by **John J. LoMonaco** (also of Dallas).

- Q. You stated in your complaint that your son was treated roughly by the police at the time of his arrest. Is that correct?
- A. Yes it sure is. Then my daughter-in-law tried to get them to stop and the police used *cursorly* language on her.
- Q. Sir, now I understand that you have stated and complained that the police did not handle this situation in a proper manner. What part of their action do you disagree with?

- A. Well it's simple, they didn't do a very good job with some of the other suspects.
- Q. Well, what is it that you think they should have done?
- Q. Well if I was handling this deal, I would have took them downtown *and intimidated them one at a time* and see what they knew about the whole situation.
- Q. So you claim that you didn't know what to do with the money?
- A. That's right. I thought about giving it back to the police and I did think about giving it back to Johnson.
- Q. But you didn't do either one of those things. You just kept the money? Is that correct?
- A. Well, yes ... you see, *it was a cash 22 situation*, so I just kept it.

I OBJECT!

In a trial before **Judge Russell Austin** of Houston (Probate Court No. One) — as Judge Austin explains — "An old and wise attorney of many years recognized his young and energetic opponent was mining pure gold from his client on cross-examination. Wanting to stop his client's gifts of ingot, he jumped up and loudly exclaimed:

- O&W Attorney: I object!!
- Judge Austin: And the basis of your objection?
- O&W Attorney: (with arm and index finger extended toward the bench) ... *Give me a minute.*

CLASSIC TYPOS

(1) From an "Affidavit of Marital History and Heirship" filed in Gregg County in March 1991:

I, Henry H. Harbour, being duly sworn, state upon oath that I have read the foregoing affidavit of marital history and heirship relating to Lillie Culver and I was personally acquainted with Lillie Culver and her husband, Paul V. Culver, [and] during their lifetime, *resented them off and on* as an attorney for some 25 years.

(2) From the March 1997 "*Significant Decisions Report*" published by the Texas Criminal Defense Lawyers Association (with credit and apologies to the editor, Jim Skelton):

Cook, No. 71,855

(Tex.Cr.App. 11-6-96)

Capital murder — death. Appellant was tried three times. His first conviction was *reversed* by the CCA at 821 S.W.2d 600 (Tex.Cr.App. 1991); his second trial ended in a mistrial and he was convicted...

(3) From "a reprint of *Roe v. Wade* in a prominent constitutional law case book." The third reason is the State's interest [in] protecting prenatal life. Some of the argument for this justification rests on the theory that a new human life is present from the moment of *contraception*.

(4) From a letter written by a TDC inmate:

I'm at a major risk for my life everyday I go to work with my head an *open womb* ...

(5) From a letter about a traffic ticket sent to "City of Amarillo Municipal Courts:" To the *Residing Judge*

These classic typos were contributed by (1) **Parker McVicker** of Euless; (2) **Michael S. Raign** of San Antonio; (3) **Mike Bennett** of Dallas; (4) the ever-popular **Anon**; and (5) **Judge Joel A. Durrett** of Amarillo.

WHERE THERE'S A WILL ...

From **Clayton R. Blackstock** of Little Rock, Ark. (Mitchell, Blackstock & Barnes), this provision in a will he recently reviewed:

I give, will, devise, and bequeath to

my niece, *the automobile which I am driving at the time of my death*.

Clayton adds: "Since the testator died of natural causes at home in bed, is there an automobile to which the niece can lay claim?"

DOING A "BUCHMEYER"

From **Royce E. Hoskins** of the Roswell, N.M. office of Trenchard & Buckingham (Kermit, Texas) — who still admits to having clerked for U.S. **District Judge Lucius Bunton**:

Q. Do you have any other problems with thinking or reasoning or remembering other than short term?

A. Not to my knowledge.

Q. Not that you remember?

A. Yeah, not that I remember.

Mr. Hoskins: *That's going to have to go to Buchmeyer.*

A. *Let me in on the joke.*

BASIC TRUTHS

From **Gerald Pruitt** of Fort Worth, this excerpt from the deposition of the plaintiff who alleged civil rights violations against a city police officer.

Richard Henderson, assistant city attorney, begins his examination with:

Q. Mr. Martinez ... we have a few quick questions to ask you. What is your height, sir?

A. Five, seven.

Q. And what is your weight today, approximately?

A. Approximately 160.

Q. Were you about the same weight back in July of '94?

A. No. No, sir. I don't know how much I weighed.

Q. Were you heavier then or lighter?

A. Lighter ...

Q. What do you attribute your weight gain of the last three years?

A. What do you mean by —

Q. *What do you think caused you to gain weight?*

A. *Eating.*

Q. Eating. Afraid that's universal.

THE WACKY WORLD OF PRO SE

From **Molly D. Shannon** of Austin (Molly is an assistant city attorney), this excerpt from the Supplemental Brief

filed in the Texas Supreme Court by the *pro se* appellants, Odessa Tannehill and Danny Dorris:

For clarity, Petition's Odessa Tannehill and Danny Dorris will be referred to as *The Plaintiff's, Defendant's, some other status, or by name*, and the respondent's will be referred to as the Defendant's some other status, or by name.

THOSE JURORS

From **G. David Ringer** of Dallas (McKinley, Ringer & Zeiger), this response to a jury questionnaire from a trial David had in Rockwall County:

How long have you lived in this county? All my life.

Where did you previously live? Chicago.

From **C. Charles Dippel** of Houston, this response by a prospective juror to a jury questionnaire in one of his recent trials:

Q. Identify three people that you dislike and explain why.

A. *The first, second, and third lawyers my ex-wife hired.*

INDUSTRIAL STRENGTH STUPID

From **Judge David L. Hodges** of Waco (County Court at Law), this excerpt from a jury trial in which the State was seeking to commit the patient to the Austin State Hospital because he "had been depressed with suicidal tendencies." The attorney appointed to represent the patient asked his client:

Q. Mr. ____, the doctor has testified that you have suicidal tendencies and are a danger to yourself. Tell the jury, *have you ever committed suicide?*

A. No.

Contributions to *et cetera* should be mailed to:

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