



Admissions from Outer Space

BY JERRY BUCHMEYER

THIS MONTH'S TITLE CONTRIBUTION is from **Sanford C. Cox, Jr.** of El Paso. The others come from Austin (**Melanie Sims Campbell, William E. "Gene" Storie**), Dallas (**Marc R. Stanley**), Fort Worth (**Donald K. Buckman**), Longview (**Melvin R. Wilcox, III**), Lufkin (**Judge David V. Wilson**), Houston (**Judge Russell Austin, Gregory P. Sapire**), and San Antonio (**Angus K. McGinty**).

HOW FAR DID YOU GO IN SCHOOL

At the time **Judge David V. Wilson** of Lufkin (159th District Court) conducted the following admonishment of a defendant charged with Burglary of a Building, he did not realize that the defendant was accused of burglarizing a school.

The Court: How far did you go in school?

The Defendant: As far as I went to school, *I went inside the school, like, through the back door up the stairs.*

The Court: No, how —

The Defendant: Oh, did I go to the school?

The Court: Yeah, *what grade did you complete?*

The Defendant: *Oh, no, I didn't attend that school.*

The Court: You've never attended school?

The Defendant: Oh, yeah. I've been to school.

Mr. Cook: He's not asking you if you attended that school. How — if you graduated from high school.

The Defendant: Yeah, I graduated from high school.

The Court: You graduated from high school?

Mr. Cook: He was arrested inside the junior high school. And I did the very same thing.

The Court: Okay. I figured that must be the case or — *I'm not interested how far into the building you went. I want to know how many years you completed.*

The Defendant: Okay.

The Court: You graduated from high school?

The Defendant: Yes.

Judge Wilson adds: "This same young man appeared in my court one day this week on a revocation of his probation, but I out-foxed him this time. I asked him what was the highest grade he had attained. With a big grin he told me, *'twelfth.'*"

NOW IS MY ATTORNEY

From **Angus McGinty** of San Antonio (Angus is an assistant criminal district attorney), this excerpt from a probation revocation hearing before **Judge Peter Michael Curry** (227th District Court).

The Court: This is 97-CR-2666, *State of Texas v. Albert Alarcon*. Your name is Albert Alarcon?

The Defendant: Yes, sir.

The Court: You are here with your attorney *Ms. Sharon Thorn*; is that correct?

The Defendant: *Now* is my attorney, yes, sir.

The Court: Pardon?

The Defendant: *Now is my attorney.*

The Court: Yes, You don't mind having her (Ms. Thorn) as your attorney?

The Defendant: No, sir.

The Court: She's a nice person. *She'll probably help you more than anybody else except the Lord: he's not here right now*, at least not visible.

Mr. McGinty: *He's in jail. That's where everybody finds him.*

The Court: That's true.

THANK GOODNESS, INDEED!

From **Donald K. Buckman** of Fort Worth (Cantey & Hanger), this excerpt from his deposition of the *male* plaintiff in an ADA case.

A. I was in the emergency room from approximately probably 3:00 in the afternoon until midnight and during that time saw numerous emergency room physicians and nurses, *et cetera, et cetera*. During that time, some of the pain had subsided, and they were probably giving me something for that. I had numerous tests, CT scans, MRI's, *the test that pregnant people have to* — you know what I'm talking about but I can't call the name of it, where they can visually see inside on a continuing basis.

Q. *Sonogram?*

A. *Sonogram. Thank you.* Actually had two of those.

Q. *They didn't think you were pregnant?*

A. *No*, they didn't think that. *Thank goodness.*

HE'S NOT "ANYBODY"

From **Gregory P. Sapire** of Houston (Smyser, Kaplan & Veselka), this excerpt from his deposition of the plaintiff in an age discrimination case.

Q. Did you tell *anybody* at the time you lost your job at GHG that you had been discriminated against on the basis of your age, other than your lawyer?

A. No.

Q. You didn't tell that to your husband, did you?

A. Oh, sure, I told my husband.

Q. Okay. I'm asking *anybody*, ma'am.

A. Yes. Sure. You didn't say my husband.

Q. *He falls under the "anybody" category.*

A. Well, he's not "*anybody*." He's "*somebody*."

DID THEY REALLY SAY THAT?

From **Judge Russell Austin** of Houston (Probate Court No. One), this exchange from a recent heirship hearing:

Q. How long did you know your father?

A. Most of my life *except when he was working*.

Q. So, you're certain in your mind you knew him *when he was at home*.

A. *Most of the time.*

From **Marc Stanley** of Dallas (Stanley, Mandel & Iola), this excerpt from testimony involving "a love note written on a greeting card in a case where a doctor was accused of having an improper relationship with his patient."

Q. Is making love to someone until they're sore — is that a medical procedure?

A. I'm sorry.

Q. Is making love to someone until they are sore — is that a painful medical procedure?

A. I think that's an *inflammatory* question.

REVENUE AND SAFETY

From **William E. "Gene" Storie** of Austin — Gene is the assistant chief of the Taxation Division in the Texas Attorney General's office — this excerpt from his deposition of the other side's expert.

Q. From your understanding of this lawsuit, is it about pipeline safety?

A. Not directly.

Q. Do sales of gas to consumers deal with safety considerations?

A. Yes.

Q. *What is the relation between revenue and safety?*

A. If you deliver gas in a three-ounce meter at 200 psi and you *blow the house up, your revenue goes down*.

[Heavy laughter by everyone, then ...]

Mr. Bernal: You asked him.

Mr. Storie: I think I did ask that.

TELL US ABOUT THE ACCIDENT

From **Melanie Sims Campbell** of Austin — Melanie is a legal assistant to Lloyd E. Bemis III (Bemis, Roach & Reed), this excerpt from the answers to interrogatories by one of their personal injury clients.

Q. Describe in detail exactly how the accident occurred.

A. I had a green arrow on entry to intersection. Looked up, saw truck and *Wham — oh no — glass in my mouth*.

ONE HECK OF A STRAIN

From **Melvin R. Wilcox, III** of Longview (Smead, Anderson, Wilcox & Dunn), this excerpt from the deposition of the wife of a truck driver whose left shoulder was injured in an accident.

Q. So generally you've been a housewife then prior to February of this year?

A. Most definitely.

Q. So you did take care of most of the chores around your house?

A. Yes.

Q. Would you describe what Mr. Hines' physical activities have been other than chores?

A. *Well, sex two or three times a week, every week, and then it just stopped, nothing*. Gripe, complain, I feel bad, I hurt. I understood that he hurt. There wasn't nothing I could do. *It put one heck of a strain on the marriage ...*

REQUESTS FOR ADMISSIONS FROM OUTER SPACE

From **Sanford C. Cox, Jr.** of El Paso, these marvelous (!!!) Responses to Requests for Admissions filed by the

respondent's attorney — who, understandably, wishes to remain anonymous — in a proceeding brought by the Child Protection Services (CPS) in the Child Welfare Court in El Paso.

11. Petitioner (CPS) is a state agency and has no competition from other businesses.

RESPONSE: ADMIT

12. Some employees of Petitioner (but certainly not ___ or any case-workers in her unit) have less skill, smarts and personality than one of Petitioner's attorney's shoes.

RESPONSE: DENY

13. Respondent has not knowingly engaged in criminal conduct.

RESPONSE: DENY

14. Respondent will not be imprisoned for two years from the date of the filing of the Petition.

RESPONSE: DENY Ms. ___ is

presently serving a sentence of two years. She was charged with drug traffic/importation.

15. *Elvis Presley is still alive*.

RESPONSE: DENY

16. *Elvis Presley is currently employed by Petitioner (CPS)*.

RESPONSE: DENY

17. *Elvis Presley currently formulates Petitioner's policies*.

RESPONSE: DENY

18. *The earth has been visited by beings from another planet*.

RESPONSE: DENY

19. *Petitioner currently employs beings from another planet*.

RESPONSE: DENY

20. *Beings from another planet run Child Protective Services*.

RESPONSE: DENY

Sanford adds: "While the truth of nine of the requests is denied, from conversations with various attorneys in El Paso, I have found several attorneys who are unconvinced by these denials filed by CPS."

Contributions to *et cetera* should be mailed to:

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