
IN THE
EIGHTH COUNTY CRIMINAL COURT
TARRANT COUNTY, TEXAS.

EX PARTE
BARTON R. GAINES,
APPLICANT
V.
THE STATE OF TEXAS,
RESPONDENT.

APPLICANT'S DEPOSITION ON
WRITTEN QUESTIONS TO Billy Hunt

BARTON R. GAINES
TDCJ-CID # 1139507
HH COFFIELD UNIT
2661 FM 2054
TENN. COLONY, TEXAS
75884

ATTORNEY FOR APPLICANT
BARTON R. GAINES

1. If known, on 8-18-01 did Jason and Bart do a small moving job for Corey?

2. After the moving job, did Jason and Bart pick up Billy Hunt and Tony Durham and go try to get a keg, which Tony had, filled for Jason's 18th birthday?

3. Did Jason, Billy, Bart, and Tony first go try to get the keg filled at Majestic Liquor store off I-20 and I-35?

4. Did Jason, Billy, Bart, and Tony end up going up the street to Two Bucks off I-35 and Felix Street to get the keg filled because the clerk at Majestic wouldn't fill anybody's but their keg, or otherwise go to Two Bucks Liquor store to get the keg?

5. As Bart was pulling into the parking lot ~~where Two Bucks~~ surrounding Two Bucks, among other stores, e.g., Burger King, did some guy later determined to be Robert Lee Haynie come barreling across the other side of the parking lot in a beat-up old red "hoopty" and almost hit Bart's truck?

6. Did the driver of the red hoopty, Haynie, chunk an empty beer bottle at Bart's truck after coming to an abrupt, rocking halt and, if known, did Jason, Billy, Bart, or Tony flip Haynie off as Bart pulled into the parking lot/around Haynie ^{up to} in front of the double doors at Two Bucks at the far end of the parking lot?

7. After Bart parked in the parking spot in front of the double doors at Two Bucks did Tony get out and run back over to where he (Bart) first pulled into the parking lot surrounding Two Bucks and Burger King and kick the car of the driver who threw that beer bottle at Bart's truck?

8. Did Jason and Billy both get out of the back of Bart's

Hunt, Billy

truck where they were sitting with the keg and follow Tony over to where Haynie was, and watch him kick Haynie's car?

9. When Jason, Billy, and/or Tony noticed somebody calling the cops, or on the phone, did Jason, Billy, and Tony return to Bart's truck to leave?

10. Once Jason, Billy, and Tony returned to Bart's truck to leave, did Tony tell Bart that he lost the \$100 Bart gave him (Tony) to fill the keg and, if yes, or if known, did Jason, Billy, Tony and then Bart return to where Tony thought he may have lost it in the parking lot while he was kicking on Haynie's car to try to find it (the \$100)?

11. If yes, did Billy, Jason, and Tony keep telling Bart that the cops were coming until finally Jason and Billy broke off in their efforts to find Bart's money and go to Burger King to avoid contact with the cops?

12. Thereafter did Bart and Tony abandon their efforts to find Bart's money and go back to his truck?

13. If yes, as Bart and Tony were backing out of the parking spot to leave, did a cop car rush in to block their exit

14. If yes, did that cop and another then run up to Bart's truck (driver's side), try to yank the door open until Bart unlocked the automatic locks for them, and did they then reach in and grab him by the back of his neck, picking him up, throw him on the hot pavement, drop kick him in the back with their knee, and step on the back of his neck while the other twisted his arms in an awkward position they don't normally bend, hand cuff his wrists, plus then pick him up and throw him into one of their

cop cars head first and, if yes, and if known, was Bart resisting arrest?

15. Did they (the cops) then walk up to Tony who was still seated in Bart's truck, open the door, gently get him out, turn him around, cuff him, then walk him to another one of their cop cars and gently put him in, sure not to bump his head on the door with their hand on his head?

16. Did one of the cops then walk back over to Bart's truck, get in it, search it, and motion to the other officer with his fingers up to his lips like he was smoking a joint like he found something like some weed or something?

17. Did that same red car then pull back over to where the cops had Bart and Tony, and the driver (Haynie) then open his door, get out, flip the seat forward, reach in and grab a pair of crutches, then hobble around both cop cars where Bart and Tony were to see if they were the ones who kicked his car?

18. After Bart and Tony were carted off to jail, did Jason call his girlfriend (Jennifer Boston) to come get Jason and Billy and/or did Jason tell Bart's parents so that Jason could get the other half of his money from Corey from the moving job?

19. Did Jason and Billy then go out to Benbrook Lake to celebrate Jason's birthday with a whole group load of his (Jason's) friends?

20. If known, did Tony tell Bart that he (Tony) would tell the cops that he (Bart) didn't have anything to do with the assault or kicking Haynie's car?

21. If known, did Bart ask Tony why he (Bart) was being charged

Hunt, Billy

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with possession of marijuana when he (Bart) had no marijuana, and, if known, did Tony also tell Bart that he would take responsibility for that too because, while the cops were busy roughing him up that he slipped it in the console of his truck?

VERIFICATION

STATE OF TEXAS §

_____ COUNTY §

Before me, the undersigned notary, on this day personally appeared Billy Hunt, the affiant, whose identify is known to me. After I administered an oath, affiant testified as follows:

"My name is Billy Hunt, I am capable of making this verification. I have read the Applicant's deposition on Written Questions to me. The facts stated in it are within my personal knowledge and are true and correct."

Affiant

Sworn to and subscribed before me by (name): Billy

Hunt on (date) _____, 20____.

Notary Public in and for
the State of Texas

0819607
HB 959

IN THE
EIGHTH COUNTY CRIMINAL COURT
TARRANT COUNTY, TEXAS.

EX PARTE
BARTON R. GAINES,
APPLICANT
V.
THE STATE OF TEXAS,
RESPONDENT.

APPLICANT'S DEPOSITION ON
WRITTEN QUESTIONS TO Bryan K. Stevens

BARTON R. GAINES
TDCJ-CID # 1139507
HH COFFIELD UNIT
2661 FM 2054
TENN. COLONY, TEXAS
75884

ATTORNEY FOR APPLICANT
BARTON R. GAINES

Stevens, Bryan K.

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1. Det. Bridges wrote that she talked to you on 8-21-01 and that you told her that you would not be filing the injury to the disabled offense on Bart. You also wrote that you were "CONTACTED BY DET BRIDGES WITH THE ... WHO ADVISED SHE HAD FILED A CASE AGAINST [BART] IN THIS CASE ON NARCOTICS CHARGES. So you decided not to file charges against Bart for assaulting Haynie, though you and Bridges believed he was a party to that offense. You decided not to file those charges because Bart only had "VERBAL ENGAGEMENT" in the "ASSAULT" and that you, therefore, felt that the "CASE WOULD STAND AS CHARGED." That doesn't pass the smell test. If you felt that the charges would indeed stand as charged, why not pursue them? After all, Bart and Tony almost killed this man, and senselessly so.

2. You wrote that on 8-20-01 that you met Haynie at his house, but that he was falling down all over the place and that he was so messed up that he couldn't even participate in the photo identification procedure, which you had prepared for him. Was he intoxicated on either prescription drugs or alcohol? You wrote that he had been sitting up on disability for the last past 20 years. What had he been doing during those last past 20 years, drinking and trying to figure out how to write fake prescriptions for pharmaceutical grade dope?

3. Do you find it odd that if Haynie was as badly injured as he claimed that he was still refusing to go to the hospital? His leg was broken, shattered, in fact, from the assault. And he was still "MAKING ARRANGEMENTS TO GO TO THE HOSPITAL[!]" Don't you think that maybe the reason why he refused to go to the hospital

Stevens, Bryan K.

-2-

after this vicious assault was because he was drunk? After all, he was leaving a liquor store, no matter how much Thetford tried to make it look like a burger run. It was a beer run!

4. Did you find his story about the assault senseless? Why would four boys just start honking at him in the Burger King drive thru, as he supposedly claimed, then pull around him, only to stop behind him yet still, flip him off, then commence to kicking and beating on him to within an inch of his life. They must have really been hungry! What other reason could there be? Or was he just some innocent sounding bystander who just so happened to encounter some wild, feral beast, evil, who commenced to attacking him senselessly and for no reason whatsoever?

VERIFICATION

STATE OF TEXAS §

_____ COUNTY §

Before me, the undersigned notary, on this day personally appeared Bryan K. Stevens, the affiant, whose identify is known to me. After I administered an oath, affiant testified as follows:

"My name is Bryan K. Stevens, I am capable of making this verification. I have read the Applicant's Deposition On Written Questions to me. The facts stated in it are within my personal knowledge and are true and correct."

Affiant

Sworn to and subscribed before me by (name): Bryan K. Stevens on (date) _____, 20____.

Notary Public in and for
the State of Texas

0819607
HB959

IN THE
EIGHTH COUNTY CRIMINAL COURT
TARRANT COUNTY, TEXAS.

EX PARTE
BARTON R. GAINES,
APPLICANT
V.
THE STATE OF TEXAS,
RESPONDENT.

APPLICANT'S DEPOSITION ON
WRITTEN QUESTIONS TO Johnna M. Bridges

BARTON R. GAINES
TDCJ-CID # 1139507
HH COFFIELD UNIT
2661 FM 2054
TENN. COLONY, TEXAS
75884

ATTORNEY FOR APPLICANT
BARTON R. GAINES

1. How-come you never contacted Officer Robin E. Moore regarding the marijuana that officer Robert W. Thetford claimed that Moore found in Bart's truck? You wrote in the police report in two supplemental additions that you kept contacting Thetford about the marijuana that you claimed Moore found.

2. Thetford wrote that Haynie's license plate was cancelled and that that needed to be "CORRECT[ED]". You also wrote that you corrected it. But you wrote it like it was Bart's and not Haynie's whose you corrected. Was that a clerical error or did you indeed have to correct Bart's truck's license plate number too?

3. Why were you, the DA, and Thetford trying to make up additional reasons to arrest Bart for, in addition to the injury to the disabled? That is, were y'all trying to justify the search of Bart's truck on other additional grounds? Were y'all beginning to believe that y'all had the wrong party to the assault (damage control/department liability)? Did Bart's attorney tell y'all that the other two parties with Bart and Tony, Jason Tucker and Billy Hunt, were in fact the ones who encouraged Tony to kick on Haynie's car, not Bart?

VERIFICATION

STATE OF TEXAS §

_____ COUNTY §

Before me, the undersigned notary, on this day personally appeared JOHNNA M. BRIDGES, the affiant, whose identify is known to me. After I administered an oath, affiant testified as follows:

"My name is JOHNNA M. BRIDGES, I am capable of making this verification. I have read the Applicant's Deposition On Written Questions to me. The facts stated in it are within my personal knowledge and are true and correct."

Affiant

Sworn to and subscribed before me by (name): JOHNNA M. BRIDGES on (date) _____, 20____.

Notary Public in and for
the State of Texas

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HB959

IN THE
EIGHTH COUNTY CRIMINAL COURT
TARRANT COUNTY, TEXAS.

EX PARTE
BARTON R. GAINES,
APPLICANT
V.
THE STATE OF TEXAS,
RESPONDENT.

APPLICANT'S DEPOSITION ON
WRITTEN QUESTIONS TO Ed. G. Jones

BARTON R. GAINES
TDCJ-CID # 1139507
HH COFFIELD UNIT
2661 FM 2054
TENN. COLONY, TEXAS
75884

ATTORNEY FOR APPLICANT
BARTON R. GAINES

Jones, Ed. G.

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1. Did the DA's office or anybody connected therewith ever contact you when they proceeded to prosecute Bart for the marijuana charges while Bart was back in the county fighting on his appeal his robbery conviction, and if so, did they advise you to abandon Bart on the marijuana case? That they would appoint him a public defender to represent him thereon? Bart says he got his mom to call you about it, and that you told her that you had done all that you were going to do on it?

VERIFICATION

STATE OF TEXAS §

_____ COUNTY §

Before me, the undersigned notary, on this day personally appeared Ed. G. Jones, the affiant, whose identify is known to me. After I administered an oath, affiant testified as follows:

"My name is Ed. G. Jones, I am capable of making this verification. I have read the Applicant's Deposition On Written Questions to me. The facts stated in it are within my personal knowledge and are true and correct."

Affiant

Sworn to and subscribed before me by (name): Ed. G. Jones

_____ on (date) _____, 20____.

Notary Public in and for
the State of Texas

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0819607
HB959

IN THE
EIGHTH COUNTY CRIMINAL COURT
TARRANT COUNTY, TEXAS.

EX PARTE
BARTON R. GAINES,
APPLICANT
V.
THE STATE OF TEXAS,
RESPONDENT.

APPLICANT'S DEPOSITION ON
WRITTEN QUESTIONS TO JASON A. TUCKER

BARTON R. GAINES
TDCJ-CID # 1139507
HH COFFIELD UNIT
2661 FM 2054
TENN. COLONY, TEXAS
75884

ATTORNEY FOR APPLICANT
BARTON R. GAINES

1. If known, on 8-18-01 did Jason and Bart do a small moving job for Corey?

2. After the moving job, did Jason and Bart pick up Billy Hunt and Tony Durham and go try to get a keg, which Tony had, filled for Jason's 18th birthday?

3. Did Jason, Billy, Bart, and Tony first go try to get the keg filled at Majestic Liquor store off I-20 and I-35?

4. Did Jason, Billy, Bart, and Tony end up going up the street to Two Bucks off I-35 and Felix Street to get the keg filled because the clerk at Majestic wouldn't fill anybody's but their keg, or otherwise go to Two Bucks Liquor store to get the keg?

5. As Bart was pulling into the parking lot ~~where Two Bucks~~ surrounding Two Bucks, among other stores, e.g., Burger King, did some guy later determined to be Robert Lee Haynie come barreling across the other side of the parking lot in a beat-up old red "hoopy" and almost hit Bart's truck?

6. Did the driver of the red hoopy, Haynie, chunk an empty beer bottle at Bart's truck after coming to an abrupt, rocking halt and, if known, did Jason, Billy, Bart, or Tony flip Haynie off as Bart pulled into the parking lot/around Haynie ^{up to} in front of the double doors at Two Bucks at the far end of the parking lot?

7. After Bart parked in the parking spot in front of the double doors at Two Bucks did Tony get out and run back over to where he (Bart) first pulled into the parking lot surrounding Two Bucks and Burger King and kick the car of the driver who threw that beer bottle at Bart's truck?

8. Did Jason and Billy both get out of the back of Bart's

truck where they were sitting with the keg and follow Tony over to where Haynie was, and watch him kick Haynie's car?

9. When Jason, Billy, and/or Tony noticed somebody calling the cops, or on the phone, did Jason, Billy, and Tony return to Bart's truck to leave?

10. Once Jason, Billy, and Tony returned to Bart's truck to leave, did Tony tell Bart that he lost the \$100 Bart gave him (Tony) to fill the keg and, if yes, or if known, did Jason, Billy, Tony and then Bart return to where Tony thought he may have lost it in the parking lot while he was kicking on Haynie's car to try to find it (the \$100)?

11. If yes, did Billy, Jason, and Tony keep telling Bart that the cops were coming until finally Jason and Billy broke off in their efforts to find Bart's money and go to Burger King to avoid contact with the cops?

12. Thereafter did Bart and Tony abandon their efforts to find Bart's money and go back to his truck?

13. If yes, as Bart and Tony were backing out of the parking spot to leave, did a cop car rush in to block their exit

14. If yes, did that cop and another then run up to Bart's truck (driver's side), try to yank the door open until Bart unlocked the automatic locks for them, and did they then reach in and grab him by the back of his neck, picking him up, throw him on the hot pavement, drop kick him in the back with their knee, and step on the back of his neck while the other twisted his arms in an awkward position they don't normally bend, hand cuff his wrists, plus then pick him up and throw him into one of their

cop cars head first and, if yes, and if known, was Bart resisting arrest?

15. Did they (the cops) then walk up to Tony who was still seated in Bart's truck, open the door, gently get him out, turn him around, cuff him, then walk him to another one of their cop cars and gently put him in, sure not to bump his head on the door with their hand on his head?

16. Did one of the cops then walk back over to Bart's truck, get in it, search it, and motion to the other officer with his fingers up to his lips like he was smoking a joint like he found something like some weed or something?

17. Did that same red car then pull back over to where the cops had Bart and Tony, and the driver (Haynie) then open his door, get out, flip the seat forward, reach in and grab a pair of cmtches, then hobble around both cop cars where Bart and Tony were to see if they were the ones who kicked his car?

18. After Bart and Tony were carted off to jail, did Jason call his girlfriend (Jennifer Boston) to come get Jason and Billy and/or did Jason tell Bart's parents so that Jason could get the other half of his money from Corey from the moving job?

19. Did Jason and Billy then go out to Benbrook Lake to celebrate Jason's birthday with a whole group load of his (Jason's) friends?

20. If known, did Tony tell Bart that he (Tony) would tell the cops that he (Bart) didn't have anything to do with the assault or kicking Haynie's car?

21. If known, did Bart ask Tony why he (Bart) was being charged

Tucker, Jason A.

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with possession of marijuana when he (Bart) had no marijuana, and, if known, did Tony also tell Bart that he would take responsibility for that too because, while the cops were busy roughing him up that he slipped it in the console of his truck?

VERIFICATION

STATE OF TEXAS §

_____ COUNTY §

Before me, the undersigned notary, on this day personally appeared JASON A. Tucker, the affiant, whose identify is known to me. After I administered an oath, affiant testified as follows:

"My name is JASON A. Tucker, I am capable of making this verification. I have read the Applicant's deposition on Written Questions to me. The facts stated in it are within my personal knowledge and are true and correct."

Affiant

Sworn to and subscribed before me by (name): JASON A. Tucker on (date) _____, 20____.

Notary Public in and for
the State of Texas

IN THE
EIGHTH COUNTY CRIMINAL COURT
TARRANT COUNTY, TEXAS.

EX PARTE
BARTON R. GAINES,
APPLICANT
V.
THE STATE OF TEXAS,
RESPONDENT.

APPLICANT'S DEPOSITION ON
WRITTEN QUESTIONS TO MARIA MENDOZA

BARTON R. GAINES
TDCJ-CID # 1139507
HH COFFIELD UNIT
2661 FM 2054
TENN. COLONY, TEXAS
75884

ATTORNEY FOR APPLICANT
BARTON R. GAINES

1. Ft. Worth PD (FWPD) officers Robert W. Thetford and Robin E. Moore said that you told them on Saturday, August 18, 2001, that you saw four males in a gray, 2000 Chevrolet Silverado from the drive thru of a Burger King, but that you only saw one of them hit a guy named Robert Haynie. Was that the first that you noticed any one of them, i.e., when one of them (Tony) hit Haynie?

2. Thetford and Moore said that you told Moore where the four males were when they got there, and that they were in one of their vehicles, the gray Chevrolet, pulling out of a parking spot fixing to leave. Did you witness whether one of the cars they were in rushed in to block their exit?

3. Did you witness whether Moore and Thetford ran up to the driver's side of the gray pickup and yanked the driver (Barton R. Gaines, or Bart) of the truck out, threw him on the ground, cuffed him, and threw him (Bart) in the back of one of their cop cars?

4. Did you see whether the two cops then walked up to the passenger side of Bart's truck, opened the door, got the passenger (Tony Durham) out, turned him around, cuffed him, and then walked him to another one of their cruisers and put him (Tony) in it?

5. Did you see whether one of the cops then got in Bart's truck and pulled it back up into the parking spot, searched it, then motioned to his coworker that he found some weed in the truck by holding his fingers up to his lips like he was smoking a joint?

6. Did you see whether the guy (Haynie) Tony hit pulled his car over to where the cops had Tony and Bart detained, get his

(Haynie's) crutches out of the back seat of his car, then walk around both cop cars to identify Bart and Tony?

7. Do you recall whether the car Haynie was driving was red or blue?

8. Do you recall whether two of the boys (Jason Tucker and Billy Hunt) broke off from the other two boys (Tony and Bart), and going into Burger King before the cops got there?

9. Do you recall seeing only ~~three~~^{two} of the boys present when Tony hit Haynie, leave, and come back ^{with another boy,} rummaging around in the parking lot like they lost something? They (Tony) lost \$100 of Bart's money, which he was supposed to have used to buy a keg of beer at Two Bucks for Jason's birthday.

10. Did you know that Bart was in his truck unaware of the assault when Tony, Jason, and Billy walked back up to his truck where Tony told Bart that he lost his money that they were going to use to buy the keg of beer?

11. Were you the one who called the cops (911) when you saw Tony kicking on Haynie's car?

VERIFICATION

STATE OF TEXAS §

_____ COUNTY §

Before me, the undersigned notary, on this day personally appeared MARIA MENDOZA, the affiant, whose identify is known to me. After I administered an oath, affiant testified as follows:

"My name is MARIA MENDOZA, I am capable of making this verification. I have read the Applicant's Deposition On Written Questions to me. The facts stated in it are within my personal knowledge and are true and correct."

Affiant

Sworn to and subscribed before me by (name): MARIA
MENDOZA on (date) _____, 20____.

Notary Public in and for
the State of Texas

0819607
HB959

IN THE
EIGHTH COUNTY CRIMINAL COURT
TARRANT COUNTY, TEXAS.

EX PARTE
BARTON R. GAINES,
APPLICANT
V.
THE STATE OF TEXAS,
RESPONDENT.

APPLICANT'S DEPOSITION ON
WRITTEN QUESTIONS TO Robin E. Moore

BARTON R. GAINES
TDCJ-CID # 1139507
HH COFFIELD UNIT
2661 FM 2054
TENN. COLONY, TEXAS
75884

ATTORNEY FOR APPLICANT
BARTON R. GAINES

1. Thetford says that you searched Bart's truck and found the marijuana. Is that true?
2. Did you do that before or after Haynie identified Bart and Tony?
3. Did Bart tell you that the truck Thetford claims you found the weed in was his?
4. Thetford wrote that you detained Bart and Tony. Did Thetford help you remove Bart and Tony from the truck or did you do that on your own? How were you able to remove them? E.g., did you block them from leaving while Thetford and you got them out and put them in y'all's cop cars for Haynie to identify them? Thetford wrote that Mendoza pointed out the suspects for you in Bart's truck.
5. Your dispatcher wrote that an unidentified woman called 911 at 6:20 p.m. And that you arrived at the scene 7 minutes later at 6:27 p.m. Did you ask Mendoza whether she was the one who called 911?

VERIFICATION

STATE OF TEXAS §

_____ COUNTY §

Before me, the undersigned notary, on this day personally appeared Robin E. Moore, the affiant, whose identify is known to me. After I administered an oath, affiant testified as follows:

"My name is Robin E. Moore, I am capable of making this verification. I have read the Applicant's Deposition Or Written Questions to me. The facts stated in it are within my personal knowledge and are true and correct."

Affiant

Sworn to and subscribed before me by (name): Robin E.

Moore on (date) _____, 20____.

Notary Public in and for
the State of Texas

~~0819607~~

HB 959

IN THE
EIGHTH COUNTY CRIMINAL COURT
TARRANT COUNTY, TEXAS.

EX PARTE
BARTON R. GAINES,
APPLICANT
V.
THE STATE OF TEXAS,
RESPONDENT.

APPLICANT'S DEPOSITION ON
WRITTEN QUESTIONS TO Robert L. Haynie

BARTON R. GAINES
TDCJ-CID # 1139507
HH COFFIELD UNIT
2661 FM 2054
TENN. COLONY, TEXAS
75884

ATTORNEY FOR APPLICANT
BARTON R. GAINES

1. On 8-18-01 did you go to Two Bucks for beer?
2. After you left Two Bucks did you almost run into a new single cab Chevrolet pickup truck?
3. Did your car die when you stopped, and did you throw an empty beer bottle at the truck in frustration?
4. Did the driver and passenger shoot you the bird, or the guys in the back of the truck, before pulling by you, or as they pulled past you?
5. Could you not get your car to start before one of the guys in the truck came running back over to where you were with two of his buddies in tow and kick your car?
6. Did they then leave and return with one of their other buddies, looking around in the parking lot like they lost some thing?
7. Did two of the boys then break off and go to Burger King while the other two boys went back to their pickup truck?
8. Did somebody show up and help jump your car off or did it finally start so that you could drive back over to Two Bucks where the cops had two of the guys in the truck whom you threw the empty beer bottle at so that you could say whether they were indeed the ones in the truck or not?
9. Did you tell the cops that one of the boys kicked your car in the Burger King drive thru?
10. Did you tell the cops that they were honking at you and that you stopped to let them go around you and that they flipped you off as they were going to go around you, but that for no reason at all they just stopped, got out, and began beating and

stomping on you senselessly, or did the cops add that up to try and spice up their report?

11. On 8-21-01 when Ft. Worth PD (FWPD) Det. Bryan K. Stevens came by your house for the purpose of you identifying the boy who kicked your car, or hit you, were you drunk? Stevens says that you told him your leg was broken from the incident on Saturday, but that you had yet to go to the hospital, despite your condition. He said you were falling down all over the place?

12. Was the reason you refused to go to the hospital after the incident on Saturday because you were drunk and worried that they would find out you were driving drunk?

13. Stevens wrote that you told him that you had been on disability and out of work for the last 20 years, collecting a government check? Had you been sitting up on disability drinking for the last 20 years?

14. Which car were you driving, your blue one or red one?

15. Was your red car street legal?

VERIFICATION

STATE OF TEXAS §

_____ COUNTY §

Before me, the undersigned notary, on this day personally appeared Robert L. Haynie, the affiant, whose identify is known to me. After I administered an oath, affiant testified as follows:

"My name is Robert L. Haynie, I am capable of making this verification. I have read the Applicant's Deposition On Written Questions to me. The facts stated in it are within my personal knowledge and are true and correct."

Affiant

Sworn to and subscribed before me by (name): Robert L.
Haynie on (date) _____, 20____.

Notary Public in and for
the State of Texas

0819607
HB959

IN THE
EIGHTH COUNTY CRIMINAL COURT
TARRANT COUNTY, TEXAS.

EX PARTE
BARTON R. GAINES,
APPLICANT
V.
THE STATE OF TEXAS,
RESPONDENT.

APPLICANT'S DEPOSITION ON
WRITTEN QUESTIONS TO Robert W. Thetford

BARTON R. GAINES
TDCJ-CID # 1139507
HH COFFIELD UNIT
2661 FM 2054
TENN. COLONY, TEXAS
75884

ATTORNEY FOR APPLICANT
BARTON R. GAINES

Thetford, Robert W.

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1. On 8-18-01 you wrote that officer Robin E. Moore arrived on the scene before you. You wrote that twice in your original narrative. Specifically, you wrote:

[YOU] MET W/OFCR MOORE, [YOUR] ASSIST WORKING J217, WHO ARRIVED SHORTLY BEFORE [YOU].

OFCR MOORE WAS ADVISED BY [MARIA MENDOZA] THAT THE SUSPECTS INVOLVED IN THE FIGHT, WERE IN [BART'S TRUCK] AND WERE PULLING OUT OF THE PARKING SPOT.

OFCR MOORE WAS ABLE TO DETAIN THE AP'S [BART & TONY] IN THE [TRUCK] AT THAT TIME.

[YOU], OFCR THETFORD ARRIVED JUST AS OFCR MOORE WAS DETAINING [BART & TONY].

By detain do you mean that Moore was able to block Bart and Tony in from leaving in Bart's truck? That is, did you help Moore remove Bart and Tony from Bart's truck?

2. You wrote that you "PULLED" Bart's truck "FORWARD IN THE PK LT AND ALSO LOCK" it "AS SOON AS [YOU] EXITED." Did you get in Bart's truck, search it, and motion to another officer, presumably Moore, that you found some "weed" by holding your fingers up to your lips like you were smoking a joint?

3. You wrote that the victim, Haynie, identified Bart and Tony. did Haynie say Bart flipped him off or did he say Bart assaulted him, or encouraged Tony to assault him? Although you said you arrested Bart for personally assaulting Haynie, the only person you wrote who saw Bart do anything was Haynie who only said Bart supposedly flipped him off.

4. Did you think it odd that Haynie didn't want to go to the hospital? That is, he had just been viciously beaten within an

Thetford, Robert W.

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inch of his life, according to the narrator (You). His knee was shattered. Why not go ahead and take a trip to the hospital?

5. Do you recall whether Haynie was having car trouble? Did his car need jumping off?

6. You wrote that Haynie's license plate was cancelled and that that needed to be "CORRECT[ED]". Det. Bridges made a notation that she corrected that. What color car was it that Haynie was driving, and how many doors did it have? Bart recalled Haynie's car was a red two door.

7. On 8-21-01 Det. Johnna M. Bridges wrote that you told her on Monday, August 21, 2001 that:

OFCR MOORE ARRIVED ON SCENE OF CALL BEFORE [YOU] AND [WHO] REMOVED [BART] FROM THE CONFISCATED VEHICLE.

[YOU] ARRIVED SOON AFTER AND OBSERVED THAT [BART] WAS SHOWING SIGNS OF IMPAIRMENT.

Who "REMOVED [BART] FROM THE CONFISCATED VEHICLE[?]"

8. Bridges went on to write that you told her that Bart's [SPEECH] was "SLURRED" and his "EYES" were "DROOPY." And that Bart committed "DISORDERLY CONDUCT" by flipping Haynie off. Why were you trying to justify Bart's arrest upon other grounds? You arrested him, after all, for injury to Haynie, to say the very least. Plus you didn't mention one time in your original narrative anything about Bart being impaired. Were you trying to justify your search of his vehicle that it wasn't a pretext to find evidence of a crime? After all, nobody but you appear to have said they seen Bart assault Haynie, what you arrested him for.

9. On 9-17-01 Bridges wrote that the DA asked her to ask you whether Moore thought the marijuana in the "CONSOLE" of Bart's truck belonged to him. Why didn't you ask her to ask Moore? Why ask you? How would you know what Moore thought?

10. Finally, when pressed, you said, according to Bridges, that "BOTH [BART AND TONY] WERE ALREADY OUT OF THE VEHICLE" when you "ARRIVED[.]" Apparently there was some questioning whether the marijuana was Bart's, or if he had knowledge of its presence. She says that you told her "THAT NO ONE STILL REMAINED IN THE VEHICLE" when you got there. Assuming that to be the case, then you have no idea whose "weed" it was, or if it could have been placed there by somebody other than Bart before you got there, right?

11. Lastly, Bridges said you told her that the "2 OTHER PEOPLE [WHO] HAD BEEN IN THE CAR ... WERE NOT INVOLVED WITH THE ASSAULT." and were gone by the time you got there. How do you know they did not have anything to do with the assault, maybe like encouraging Tony to assault Haynie, what you arrested Bart for. How do you know?

VERIFICATION

STATE OF TEXAS §

_____ COUNTY §

Before me, the undersigned notary, on this day personally appeared Robert W. Thetford, the affiant, whose identify is known to me. After I administered an oath, affiant testified as follows:

"My name is Robert W. Thetford, I am capable of making this verification. I have read the Applicant's Deposition On Written Questions to me. The facts stated in it are within my personal knowledge and are true and correct."

Affiant

Sworn to and subscribed before me by (name): Robert W. Thetford on (date) _____, 20____.

Notary Public in and for
the State of Texas

0819607
HB959

IN THE
EIGHTH COUNTY CRIMINAL COURT
TARRANT COUNTY, TEXAS.

EX PARTE
BARTON R. GAINES,
APPLICANT
V.
THE STATE OF TEXAS,
RESPONDENT.

APPLICANT'S DEPOSITION ON
WRITTEN QUESTIONS TO Tony A. Durham

BARTON R. GAINES
TDCJ-CID # 1139507
HH COFFIELD UNIT
2661 FM 2054
TENN. COLONY, TEXAS
75884

ATTORNEY FOR APPLICANT
BARTON R. GAINES

Durham, Tony A.

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1. If known, on 8-18-01 did Jason and Bart do a small moving job for Corey?

2. After the moving job, did Jason and Bart pick up Billy Hunt and Tony Durham and go try to get a keg, which Tony had, filled for Jason's 18th birthday?

3. Did Jason, Billy, Bart, and Tony first go try to get the keg filled at Majestic Liquor store off I-20 and I-35?

4. Did Jason, Billy, Bart, and Tony end up going up the street to Two Bucks off I-35 and Felix Street to get the keg filled because the clerk at Majestic wouldn't fill anybody's but their keg, or otherwise go to Two Bucks Liquor store to get the keg?

5. As Bart was pulling into the parking lot ~~where Two Bucks~~ surrounding Two Bucks, among other stores, e.g., Burger King, did some guy later determined to be Robert Lee Haynie come barreling across the other side of the parking lot in a beat-up old red "hoopty" and almost hit Bart's truck?

6. Did the driver of the red hoopty, Haynie, chuck an empty beer bottle at Bart's truck after coming to an abrupt, rocking halt and, if known, did Jason, Billy, Bart, or Tony flip Haynie off as Bart pulled into the parking lot/around Haynie ^{up to} in front of the double doors at Two Bucks at the far end of the parking lot?

7. After Bart parked in the parking spot in front of the double doors at Two Bucks did Tony get out and run back over to where he (Bart) first pulled into the parking lot surrounding Two Bucks and Burger King and kick the car of the driver who threw that beer bottle at Bart's truck?

8. Did Jason and Billy both get out of the back of Bart's

Durham, Tony A.

truck where they were sitting with the keg and follow Tony over to where Haynie was, and watch him kick Haynie's car?

9. When Jason, Billy, and/or Tony noticed somebody calling the cops, or on the phone, did Jason, Billy, and Tony return to Bart's truck to leave?

10. Once Jason, Billy, and Tony returned to Bart's truck to leave, did Tony tell Bart that he lost the \$100 Bart gave him (Tony) to fill the keg and, if yes, or if known, did Jason, Billy, Tony and then Bart return to where Tony thought he may have lost it in the parking lot while he was kicking on Haynie's car to try to find it (the \$100)?

11. If yes, did Billy, Jason, and Tony keep telling Bart that the cops were coming until finally Jason and Billy broke off in their efforts to find Bart's money and go to Burger King to avoid contact with the cops?

12. Thereafter did Bart and Tony abandon their efforts to find Bart's money and go back to his truck?

13. If yes, as Bart and Tony were backing out of the parking spot to leave, did a cop car rush in to block their exit?

14. If yes, did that cop and another then run up to Bart's truck (driver's side), try to yank the door open until Bart unlocked the automatic locks for them, and did they then reach in and grab him by the back of his neck, picking him up, throw him on the hot pavement, drop kick him in the back with their knee, and step on the back of his neck while the other twisted his arms in an awkward position they don't normally bend, hand cuff his wrists, plus then pick him up and throw him into one of their

cop cars head first and, if yes, and if known, was Bart resisting arrest?

15. Did they (the cops) then walk up to Tony who was still seated in Bart's truck, open the door, gently get him out, turn him around, cuff him, then walk him to another one of their cop cars and gently put him in, sure not to bump his head on the door with their hand on his head?

16. Did one of the cops then walk back over to Bart's truck, get in it, search it, and motion to the other officer with his fingers up to his lips like he was smoking a joint like he found something like some weed or something?

17. Did that same red car then pull back over to where the cops had Bart and Tony, and the driver (Haynie) then open his door, get out, flip the seat forward, reach in and grab a pair of c'utches, then hobble around both cop cars where Bart and Tony were to see if they were the ones who kicked his car?

18. After Bart and Tony were carted off to jail, did Jason call his girlfriend (Jennifer Boston) to come get Jason and Billy and/or did Jason tell Bart's parents so that Jason could get the other half of his money from Corey from the moving job?

19. Did Jason and Billy then go out to Benbrook Lake to celebrate Jason's birthday with a whole group load of his (Jason's) friends?

20. If known, did Tony tell Bart that he (Tony) would tell the cops that he (Bart) didn't have anything to do with the assault or kicking Haynie's car?

21. If known, did Bart ask Tony why he (Bart) was being charged

Durham, Tony A.

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with possession of marijuana when he (Bart) had no marijuana, and, if known, did Tony also tell Bart that he would take responsibility for that too because, while the cops were busy roughing him up that he slipped it in the console of his truck?

VERIFICATION

STATE OF TEXAS §

_____ COUNTY §

Before me, the undersigned notary, on this day personally appeared Tony A. Durham, the affiant, whose identify is known to me. After I administered an oath, affiant testified as follows:

"My name is Tony A. Durham, I am capable of making this verification. I have read the Applicant's Deposition On Written Questions to me. The facts stated in it are within my personal knowledge and are true and correct."

Affiant

Sworn to and subscribed before me by (name): _____

_____ on (date) _____, 20____.

Notary Public in and for
the State of Texas