Case Nos.C-213-W011921-0836979-B & C-213-W011922-0836985-B

EX PARTE	§	**IN THE DISTRICT COURT**
	§	**TARRANT COUNTY, TEXAS**
BARTON R. GAINES	§	**213TH JUDICIAL DISTRICT**

Applicant's Notice Of Deposition On Written Questions for **Ronald T. Fazio**

To: **Ronald T. Fazio**, **407 W Grandview Ave Apt A, Zelienople, Butler County, Pennsylvania 16063-1022, (817) 455-9599, POSSIBLE EMAILS keganwhiz@gmail.com rfazio@iflabs.com rfazio@ptd.net rfazio@metronet.com fazio@metronet.com ronfazio@iforensiclabs.com, RELATED LINKS https://www.linkedin.com/in/ronfazio1 http://www.afte.org/forum/smf1/index.php?topic=6181.0 http://ragbrai.com/forums/topic/1-week-long-for-sale http://www.skymem.com/xdoc/document-2015-7-29t22-40-17-5018z-017538f7fde34f68b8c2f741d48bd823 http://www.linkedin.com/in/ronfazio1 http://www.afte.org/forum/smf1/index.php?action=printpage;topic=6181.0 http://www.skymem.com/xdoc/document-2015-7-30t23-29-20-8348z-4e2427273dbb465dbe2bfad887ac4034 https://www.linkedin.com/company/eurofins https://www.linkedin.com/edu/school https://www.linkedin.com/school/the-university-of-texas-at-arlington---college-of-business/ https://www.linkedin.com/company/hemp-synergistics http://www.iflabs.com**

1. Please take notice that, under *Texas Rule of Civil Procedure* 200.1, Applicant, Barton R. Gaines, will take the deposition on written questions of **Ronald T. Fazio** on (date): _____, at (time): _____, at 401 W. Belknap St., Ft. Worth, TEXAS 76196, in the aforementioned Judicial District Court.
2. The deposition will continue from day to day until completed.
3. The deposition will be taken by the 213th Judicial District Court's Court Reporter, Shelia Walker.

Respectfully submitted,

By:_____
BARTON R. GAINES, Pro Se
244 Siesta Court
Granbury, Texas 76048
Tel.: 682-500-7326
Email bartongaines@gmail.com

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The State of Texas
Subpoena Deposition

To: Any sheriff or constable of the State of Texas or other person authorized to serve and execute subpoenas as provided in Texas Rule of Civil Procedure 176.5.

You are commanded to summon **Ronald T. Fazio**, who may be found at **407 W Grandview Ave Apt A, Zelienople, Butler County, Pennsylvania 16063-1022, (817) 455-9599, POSSIBLE EMAILS keganwhiz@gmail.com rfazio@iflabs.com rfazio@ptd.net rfazio@metronet.com fazio@metronet.com ronfazio@iforensiclabs.com, RELATED LINKS https://www.linkedin.com/in/ronfazio1 http://www.afte.org/forum/smf1/index.php?topic=6181.0 http://ragbrai.com/forums/topic/1-week-long-for-sale http://www.skymem.com/xdoc/document-2015-7-29t22-40-17-5018z-017538f7fde34f68b8c2f741d48bd823 http://www.linkedin.com/in/ronfazio1 http://www.afte.org/forum/smf1/index.php?action=printpage;topic=6181.0 http://www.skymem.com/xdoc/document-2015-7-30t23-29-20-8348z-4e2427273dbb465dbe2bfad887ac4034 https://www.linkedin.com/company/eurofins https://www.linkedin.com/edu/school https://www.linkedin.com/school/the-university-of-texas-at-arlington---college-of-business/ https://www.linkedin.com/company/hemp-synergistics http://www.iflabs.com,** or wherever found, to appear at 401 W. Belknap St., Ft. Worth, TEXAS 76196, in the aforementioned Judicial District Court, on (date): _____, at (time): _____, to attend and give testimony at a deposition in this case on behalf of the Applicant, and to remain in attendance from day to day until lawfully discharged.

Duties of Person Served with Subpoena. You are advised that under Texas Rule of Civil Procedure 176, a person served with a subpoena has certain rights and obligations. Rule 176.6 provides the following:

(a) Compliance required. Except as provided in this sub division, a person served with a subpoena must comply with the command stated therein unless discharged by the court or by the party summoning such witness. A person commanded to appear and give testimony must remain at the place of deposition, hearing, or trial from day to day until discharged by the court or by the party summoning the witness.

(b) Organizations. If a subpoena commanding testimony is directed to a corporation, partnership, association, governmental agency, or other organization, and the matters on which examination is requested are described with reasonable particularity, the organization must designate one or more persons to testify on its behalf as to matters known or reasonably available to the organization.

(c) Production of documents or tangible things. A person commanded to produce documents or tangible things need not appear in person at the time and place of production unless the person is also commanded to attend and give testimony, either in the same subpoena or a separate one. A person must produce documents as they are kept in the usual course of business or must organize and label them to correspond with the categories in the demand. A person may withhold material or information claimed to be privileged but must comply with Rule 193.3. A nonparty's production of a document authenticates the document for use against the nonparty to the same extent as a party's production of a document is authenticated for use against the party under Rule 193.7.

(d) Objections. A person commanded to produce or permit inspection or copying of designated documents and things may serve on the party requesting issuance of the subpoena - before the time specified for compliance - written objections to producing any or all of the designated materials. A person need not comply with the part of a subpoena to which objection is made as provided in this paragraph unless ordered to do so by the court. The party requesting the subpoena may move for such an order at any time after an objection is made.

(e) Protective orders. A person commanded to appear at a deposition, hearing, or trial, or to produce and permit inspection and copying of designated documents and things, and any other person affected by the subpoena, may move for a protective order under Rule 192.6(b) - before the time specified for compliance - either in the court in which the action is pending or in a district court in the county where the subpoena was served. The person must serve the motion on all parties in accordance with Rule 21 a. A person need not comply with the part of a subpoena from which protection is sought under this paragraph unless ordered to do so by the court. The party requesting the subpoena may seek such an order at any time after the motion for protection is filed.

(f) Trial subpoenas. A person commanded to attend and give testimony, or to produce documents or things, at a hearing or trial, may object or move for protective order before the court at the time and place specified for compliance, rather than under paragraphs (d) and (e).

Contempt. Failure by any person without adequate excuse to obey a subpoena served on the person may be deemed a contempt of the court from which the subpoena is issued or a district court in the county in which the subpoena is served, and may be punished by fine or confinement or both. Tex. R. Civ. P. 176.8(a).

DO NOT FAIL to return this writ to [identify court in which case is pending] with either the attached officer's return showing the manner of execution or the witness's signed memorandum showing that the witness accepted the subpoena.

‘ This subpoena was issued at the request of Applicant Barton R. Gaines, whose attorney of record is Barton R. Gaines, 244 Siesta Court, Granbury, Texas, 76048, Tel: 682-500-2753. You may contact Barton R. Gaines's attorney to arrange another time and date.

ISSUED on _____, 2021.

By:_____
Deputy District Clerk
_____, District Clerk
Tarrant Co., Tex.
401 W. Belknap
Ft. Worth, Texas. 76196

Return of Service of Subpoena

I, _____, delivered a copy of this subpoena to **Ronald T. Fazio** in person at _____, in _____, County, Texas, on _____, 2021, at _____ o'clock __.m., and tendered to the witness a fee of $_____ in cash.

I, _____, was unable to deliver a copy of this subpoena to **Ronald T. Fazio** for the following reasons: _____

_____

_____

_____

_____

_____

_____

By Deputy:_____

Sheriff/Constable_____

Tarrant County, Texas

Acceptance of service of subpoena by Witness under Texas Rule of Civil Procedure 176

I accept service of this subpoena.

_____

Witness

_____

Date

FEE FOR SERVICE OF SUBPOENA: $ _____

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Deposition on Written Questions for **Ronald T. Fazio**

(1. Did the TCDAIs inform FWPDCL collecting evidence)

On 11-26-02 Ronald Thomas Fazio wrote that V. Spencer dropped off a rifle, among other things, at the Fort Worth Police Department Crime Lab, where Fazio worked as a ballistics expert. Did V Spencer or anybody else associated with the Fort Worth Police Department or Tarrant County District Attorney's office, or anybody else even remotely connected thereto, tell the Fort Worth Police Department crime lab, Fazio, or anybody else connected to or with Fort Worth Police Department crime lab that the Tarrant County District Attorney's office was sending people out right then to collect ballistics evidence believed connected to the rifle?

(2. Tell the FWPDCL year-long laps chain of command?)

On 12-3-02 Robert L. Atkins wrote that J. Deleon dropped off a bullet fragment at the Fort Worth police department crime lab, where Atkins worked or works. Did J. Deleon or anybody else associated with the Fort Worth Police Department or Tarrant County District Attorney's office or anybody else remotely connected thereto tell the Fort Worth Police Department crime lab, Atkins, or anybody else connected to or with the Fort Worth Police Department crime lab:

1. how the bullet fragment came to be, or that a guy named Stephen who worked for an electric company originally found it lodged in his car?
2. what Stephen use to dig it out or extract it from its embedment?
3. who all else he showed, or who all else got to see, touch, and handle it?
4. how Stephen handled and stored it to keep it from getting lost, commingled, or altered or contaminated, scratched?
5. why didn't Stephen think to call the cops when he found it, that is, why he was just now telling somebody, the cops, about it nearly a year after it was supposedly fired from the rifle? And,
6. a professional crime scene investigator, Goin, looked the car over once, at least, and found no remnants of a bullet anywhere in or on the car? And if so, was Fazio aware of this?

(3. Influence; confirmation bias?)

Did anybody associated with the Fort Worth Police Department or Tarrant County District Attorney's office or anybody else remotely connected thereto tell the Fort Worth Police Department crime lab, Atkins, Fazio, or anybody else connected to or with the Fort Worth Police Department crime lab:

1. Jheen identified the guy whose rifle the Tarrant County District Attorney's office was asking the Fort Worth Police Department crime lab to compare the bullet fragment to?
2. The rifle’s owner drove a truck similar to the one the witnesses described?

3. the Fort Worth police department found the rifle in the same place the witnesses were saying they saw the suspect digging before being fired upon?
4. the rifle's owner's girlfriend lived a few short miles away from where the shooting occurred?

(4. Which land(s) or groove(s)?)

Out of the four lands and grooves before the Fort Worth Police Department crime lab noted the rifle had, if known, which land or groove did it match back to this particular rifle? For example, was it the first land? First Groove? Was it the second land or Groove, or a combination of lands and grooves? And how many lands and grooves was the Fort Worth Police Department crime lab able to observe on this sliver of a piece of metal claimed to be a bullet fragment?

(5. How account for variables and how sure?)

If the Fort Worth Police Department crime lab was aware of the chain of command, or the lack thereof, wherein it:

1. couldn't say with any degree of certainty who all had it, or
2. what all was done to it before it came into police custody, that is, that it was what it was claimed to be;
3. how was it able to exclude any extraneous marking Stephen, his friend, or his family no doubt added to it while they had it? Was the Fort Worth Police Department crime lab 100% certain the clockwise or counterclockwise land(s) and or groove(s) were or was consistent with exemplar or test fire in this case? Eighty percent? How much?

(6. Consensus how to account?)

Is there a general consensus in the scientific community of ballistics as to the amount of damage or contamination somebody can do to a jacketed bullet before it is rendered useless for scientific purposes, and if there is, what is it and can you provide the applicant with a copy of it?

(7. Paper patched bullets)

At trial Foran asked and you testified:

> FORAN: Now, State's Exhibit No. 33, the fragment that you examined and compared to this SKS, the fact that it is so small, that doesn't prevent an identification, does it?
> FAZIO: No. I have seen matches made literally a fraction of a millimeter in size with a great match back. I have seen entire bullets that looked pristine that were unusable for forensic quality.

These "pristine" bullets that you were unable to match back for forensic purposes, you wouldn't have happened to be referring to paper patched bullets, were you? And, if yes, why didn't you elaborate upon that? And could you elaborate upon what paper patched bullets are typically used for on the streets?[1]

[1] See https://www.quora.com/Could-a-paper-patched-bullet-be-forensically-untraceable-if-the-paper-is-thick-enough (Kwon Pan, Firearms Enthusiast, Answered December 9, 2017: Yes, although it wouldn't be reliable and replicable enough of a technique to actually use specifically to make a bullet untraceable. Similar but not the same, sabots allow a shooter to use sub-caliber projectiles, or projectiles smaller than the bore diameter, and saboted bullets are not supposed to gain rifling of the gun it is fired from because the bullet does not touch the bore, right?

One of the strangest things I have never been able to explain is how on earth did a saboted projectile obtain rifling of the gun it is shot from when the bullet did not touch the lands as it completely surrounded by a nylon sabot?