

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

Applicant's Notice Of Deposition On Written Questions for Robert F. Foran

To: **Robert F. Foran**, 2604 Cypress Hills Ct, Arlington, Tarrant County, TX 76006-4041,

(817) 377-8939, Email rfforan@aol.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 **Robert F. Foran** 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

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

## 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 **Robert F. Foran**, who may be found at **2604 Cypress Hills Ct, Arlington, Tarrant County, TX 76006-4041, (817) 377-8939, Email rfforan@aol.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 **Robert F. Foran** 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 [name of witness] 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: \$ \_\_\_\_\_

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

## Deposition on Written Questions for Robert F. Foran

(1. Whose birthday; who all is there, and it's a bar?)

Did respondent disclose to the defense ("Did respondent disclose") whose birthday party Stephen Ancira, Stephen, Jheen Ancira, Jheen, Richard Weaver, Rick, Gregory Peterson, Greg, and Joel Chandler, Joel, were attending, who else was there, and that the birthday party was at a bar, JJ's Hideaway?

(2. Drinking cake & ice cream?)

Did respondent is close whether they, Stephen, Jheen, Rick, Greg, Joel, etc., were drinking, alcohol, or doing any drugs, that is, what were they, Stephen, Jheen, Rick, Greg, and Joel, doing, eating cake and ice cream?

(3. When leave; altercation & enemies?)

Did respondent disclose why they, Stephen, Jheen, Rick, Greg, and Joel left, whether they Stephen, Jheen, Rick, Greg, Joel, etc., left, whether they, Stephen, Jheen, Rick, Greg, and Joel, etc., got into any kind of altercation there at the bar or elsewhere, whether they had any enemies, or why they left the bar?

(4. What's Stephen's true intent?)

Did respondent disclose why if Stephen was so concerned about the stranded motorist and his dark-haired mistress, that is, if Stephen was really pulling over to help, why he, Stephen, just simply got back in his, Stephen's, car and left, that is, was he, Stephen, there doing some kind of other nefarious deed like a drug deal or something?

(5. Sleeping or passed out drunk or high?)

Did respondent disclose whether Jheen, Rick, and Joel were really just sleeping, or were they really passed out drunk or high?

(6. Cocaine or methamphetamine?)

Did respondent disclose why if Jheen, Rick, and Joel were so sleepy, why Stephen and Greg were so apparently unsleepy, that is, whether they, Stephen and Greg, were on some kind of uppers like Cocaine, methamphetamine, or the like?

(7. When's Jheen roused from slumber?)

Did respondent disclose at what point Jheen awoke from her stupor, that is, was it as the suspect was getting out of his truck approaching Stephen's car, was it as the suspect was standing outside Stephen's car talking to Stephen, or was it as the suspect was walking back to his truck getting into the toolbox?

(8. Pharmacy tech; eyeglasses, prescription drugs?)

Did respondent disclose whether Jheen was on any kind of prescription drugs, or whether she, Jheen, had prescription eyeglasses, or whether she, Jheen, ever got accused of dipping into any of the pharmacy's prescription pain medicine where she (Jheen) worked?

(9. View obstructed; Jheen's?)

Did respondent disclose whether the reason why Jheen didn't recall what kind of shirt the to-be suspect was wearing was because the roof of Stephen's car and Stephen himself, that is, Stephen's back, was blocking her, Jheen's, view of anything but the to-be suspect's pants?

(10. Hood County Sheriff's Office follow-up investigation with Charla's information?)

Did respondent disclose whether Hood County Sheriff's Office detective Goin, Goin, ever showed Stephen, Jheen, and Greg pictures Charla said she sent Goin, and if Goin didn't, why he, Goin, didn't?

(11. Confirmation bias; consistencies?)

Did respondent disclose whether Tarrant County District Attorney Investigators John Hubbard and Juan Deleon, Hubbard and Deleon, and/or Goin, attempted to persuade Stephen, Jheen, Rick, Greg, and Joel that Bart may have actually been the one he shot Rick, that is, by telling them where they, the authorities, found the rifle in the picture, by telling Jheen where Bart's girlfriend lived, that is, a few short miles away from where Rick was shot, and by showing them pictures of Bart's truck?

(12. Consistencies tempered against inconsistencies?)

Did respondent disclose whether Hubbard or Deleon, etc., informed Stephen, who got out of the car and had a face-to-face conversation with the to-be suspect, Jheen, who sat in the car, or Greg, who sat in the car, but on the same side of the car as the to be suspect was, that Bart was about 6 inches taller than Stephen described, that is, that Stephen would have been looking Bart dead in the eye if it was Bart, and that Bart was about 25 lbs. heavier than Stephen described?

(13. Identification suggestiveness?)

Did respondent disclose whether Hubbard or Deleon, etc., attempted to suggest to Greg, Jheen, or Stephen which photo in the photo lineup their suspect was in, that is, which position Bart's photo was in?

(14. Witness tampering?)

Did respondent disclose whether Hubbard or Deleon, et cetera, ever reminded Jheen of her prior description of the to-be suspect looking to have been drunk when she was attempting to identify their suspect?

(15. Confirmation bias?)

Did respondent disclose whether Hubbard, Deleon, Goin, etc., ever confirmed or denied to them whether Greg, Jheen, or Stephen were able to identify their suspect?

(16. Flawed procedure; Jheen & Stephen?)

Did respondent disclose whether Jheen was able to tell Stephen in the hallway before Stephen entered the interrogation or interview room at the Erath County Sheriff's Office whether she identified their suspect, and which position he, Bart, was in?

(17. Where Bart was in the courtroom; witness tampering?)

Did respondent disclose whether anybody connected with the prosecution of Bart where Bart would be seated in the courtroom, that is, that he would be seated next to an officer in the courtroom in case he decided not to mind his manners?

(18. Rick's criminal record?)

Did respondent disclose Rick's illustrious criminal record for partying, and / or whether Stephen, Jheen, Greg, Joel, etc., were aware of his over-the-top parties, or whether they condoned this type of behavior?

(19. Stephen Tell Hubbard he had the bullet fragment?)

Did respondent disclose whether Hubbard, etc., whether Stephen had the bullet fragment and / or whether he, Hubbard, etc., told him, Stephen, to bring it the next day to the Cotton Patch restaurant where they, Hubbard, Deleon, Stephen, Jheen, Rick, Greg, and Joel were going to meet, or if Stephen just popped up the next day with it, the bullet fragment?

(20. Photographic dissimilarities?)

Did respondent disclose its reasons for using Bart's 3-7-02 County Jail mugshot, that is, as opposed to his 8-21-02 Tarrant County Jail mugshot, that is, whether it was or it was not because it, the mugshot, tended to match Jheen's to 2-23-02 description of the suspect looking to have been drunk, although Bart obviously was not, given the fact that he, Bart, had just spent approximately two weeks at the Mansfield Detention Center?

(21. Who's watching them outside the interview room?)

Did respondent disclose whether anybody was watching or monitoring Stephen, Jheen, Rick, Greg, and Joel outside interrogation / interview room at the Erath County Sheriff's Office when Stephen, Jheen, and Greg were taking their turns trying to identify their, Hubbard's and Deleon's, suspect, Bart?



(22. Stephen's photo spread; when?)

Did respondent disclose why Hubbard or Deleon, etc., didn't record the time Stephen identified the man in position six, that is, where they, Hubbard or Deleon frustrated because they, Hubbard or Deleon, couldn't get him, Stephen, off the man in position six until they just gave up?

(23. Other summaries or notes besides Goin's, Hubbard's, & Deleon's?)

Were there any other summaries or notes drawn up beside Hubbard's and Deleon's regarding the extraneous investigation, or did Hubbard and Deleon draw up any more notes or summaries besides the ones Hubbard, Deleon, and Goin did in the initial police report?

(24. Believe Stephen's true intent story?)

Did respondent disclose whether it believed Stephen's phony pulling over to help story, or did it believe it despite the inconsistencies about Stephen wanting to help, that is, if Stephen was really that concerned about the stranded motorist and his dark-haired mistress, why didn't he, Stephen, offer either the stranded motorist and his dark-haired mistress either Joel's cell phone to call somebody for help, or maybe perhaps even one or both a ride to the store so they could call somebody either for help or a ride? He, Stephen, obviously didn't think or believe he posed him any kind of harm or threat at the time.

(25. Goin follow up w/Charla's info. (by himself))

Did respondent disclose whether Goin did any follow-up investigation with Charla's information that she, Charla, sent him, Goin, separate and apart from the one Hubbard and Deleon did?

(26. Follow up on Carrie & Stanley?)

Did respondent disclose whether Hubbard, Deleon, et cetera, ever did any follow-up investigation on Carrie Davis and Stanley Thomas, and why Carrie's driver's license plate to her car fell out of the back of the truck, and / or whether Stanley worked for the Waco contractor and why his hard hat fell out of the back of the truck, and / or what kind of truck Stanley drove, or had access to driving?

(27. Goin inform Smith; closing file?)

Did respondent disclose whether they're Goin contacted Charla that he, Goin, was closing the file, and why, despite her efforts to get him, Goin, to investigate Bart for shooting Rick, plus any other crimes, Bart, might be "good for" plus what all was included in the file Goin faxed Hubbard?

(28. Stephen; bullet fragment?)

Did respondent disclose whether Hubbard, Deleon, etc., asked Stephen, etc., or whether Stephen, etc., told them, Hubbard, Deleon, etc.:

1. how Stephen found or came upon This twisted piece of metal believed to be a bullet fragment from when Rick was shot?
2. when Stephen found it, the suspected bullet fragment?
3. what Stephen used to extract it from its embedment?
4. who all else Stephen showed, or who all else got to see, touch, and handle it?

5. how Stephen, Stephen's friends and family, et al, handled it and why?
6. how's Stephen stored it during the interim from getting, lost, scratched, or commingled with something similar in appearance, and why? And, why Stephen didn't think to call the cops when he came upon it, that is, why if Stephen really believed it was what he was saying it was, he was just now telling the authorities about it?

(29. State to FWPDCCL; bullet fragment?)

Did respondent disclose whether 1 through 7 question 28 was conveyed to the Fort Worth Police Department crime lab?

(30. Confirmation bias; consistencies (FWPDCL)?)

Did respondent disclose whether Hubbard, Deleon, etc., told the Fort Worth Police Department crime lab that Bart drove a vehicle similar to the one Stephen, Jheen, and Greg described, that Charla and Fort Worth Police Department CSI Gass found the rifle in the same place, Stephen, Jheen, and Greg claimed to have saw the suspect digging before being fired upon, and that Bart's girlfriend, Tiffani, lived a few short miles away from where Rick was shot? In other words, did respondent disclose whether it attempted to persuade the Fort Worth Police Department crime lab with extrinsic evidence the suspected "bullet fragment" was fired from the rifle found in Bart's truck?

(31. Confirmation bias; inconsistencies (FWPDCL)?)

Did respondent disclose whether Hubbard, Deleon, etc., tempered those consistencies against the inconsistencies that Stephen stood face-to-face, with the to-be suspect and described him 6 inches shorter and about 25 pounds lighter than what Bart actually was?

(32. CSI Goin; no remnants, bullet fragment (FWPDCL)?)

Did respondent disclose whether Hubbard, Deleon, etc., informed the Fort Worth Police Department that CSI Goin looked the car over at least once and found no evidence or remnants of a bullet fragment or otherwise?

(33. The other piece of the bullet fragment didn't get Lodged?)

Did respondent disclose whether Hubbard, Deleon, etc., informed the Fort Worth Police Department crime lab that the other piece of the bullet that hit Rick couldn't have possibly gotten stuck in the car, that is, that it obviously made contact with Rick's body, but that it didn't have enough velocity, apparently, left over to penetrate the skin, only break it, or that it otherwise had to have come back together once it entered Rick's body where it came to rest? In other words that it probably got knocked aside and forgotten about during all the ensuing rigmarole of tending and caring for Rick?

(34. Goin; second inspection, car?)

Did respondent disclose whether Goin conducted another, more thorough search of Stephen's car for evidence and, if Goin didn't, why didn't he?

(35. Randy or Stephen found before for 4-3-02?)

Did respondent disclose whether Randy Green at Campbell's Auto Body Repair Shop found the suspected bullet fragment or whether Stephen did, and / or whether it, the bullet fragment, was found before or after 4-3-02 when Randy repaired the bullet holes in Stephen's car?

(36. Which land or Groove?)

Did respondent disclose which land, groove, or combination of lands and or grooves, it was relying on in rendering its "professional" opinion that the twisted scrap of metal was fired from the rifle?

(37. How account for unknown variables; bullet fragment?)

Did respondent disclose how it was able to account for any extraneous markings or scratches, that is, contaminations or alterations, Stephen, etcetera, no doubt added to it, the bullet fragment, during the approximate year Stephen had it in determining the scratch or mark was made from one of the four lands or grooves in the barrel, and with what degree of certainty it was able to do so?

(38. General consensus in scientific community?)

Did respondent disclose whether there was a general consensus in the ballistics or scientific community, how to account for extraneous scratches or markings on a suspected piece of a bullet from some lay-person who waltzes into the crime scene and begins moving and extracting evidence and material from its embedment, plus then keeping and handling it as their own personal souvenir or memento with friends and family for nearly a year before rendering it for testing and analysis, and if it did, what periodical, journal, or treatise it was relying on in doing so?

(39. Help find Bart; Mindy / Jerri?)

Did respondent disclose whether Charla asked Jerri Westmoreland, Jerri, Melinda Keisel, Mindy, whether they, Mindy and Jerri, new where Bart was, or if they, Mindy and Jerri, could help her, Charla, find him, Bart, before he, Bart, hurt them, Mindy and Jerri, or somebody else, that is, after Jerri and Mindy called Charla back that first time after she, Charla, left their house to tell her, Charla, that Bart confessed to Mindy and Tarah Green, Tarah, that he, Bart, robbed, shot, and killed Michael Williams, Mike, and Andrew Horvath, Andy, and that he, Bart, threatened to kill them, Mindy, Tarah and Jason Tucker, Jason, and there, Mindy's, Tarah's, and Jason's, families if they, Mindy, Tarah and Jason, talked, snitched, to the police, and that they, Mindy, Tarah and Jason believed him, Bart, because they had already seen him once outside their houses?

(40. Brett found Bart / Jerri/Mindy/Missy?)

Did respondent disclose whether Mindy, Jerri, and Jason put Brett Tucker, Brett, up to finding Bart, that is, turning Bart into the police with his own cell phone by calling 911 and telling the dispatcher where Bart was, or did Bart's mom, Melissa Adams, Missy, do it, or was it a mixture thereof, that is, a concerted effort?

(41. Was Brett the guy Fineman talked to?)

Did respondent disclose whether the person Fort Worth Police Department Officer Shipp said Fort Worth Police Department Officer Fineman talked to outside Coker's house was Brett?

(42. Was Bush originally a part of the criminal response team?)

Did respondent disclose whether Fort Worth Police Department Officer Bush was dispatched in response to Brett's 911 call, separate and apart from Charla's criminal response team, officers Savoy, Shipp, Fineman, Hysmith, and Sergeant Hanlon, or was Bush originally a part of it, the criminal response team?

(43. If no to answer 42; Bush make police report?)

If Bush was dispatched separate and apart from the original criminal response team, did he, Bush, draw up a report separate and apart from Shipp's, and did respondent disclose it to the defense?

(44. Escape; reason to enter house?)

Did respondent disclose where it said Bart tried to escape out the private residence, Coker's, he, Bart, was at in the event it came out, Charla's warrant for his, Bart's, arrest had not yet issued, it had reason for entering the house, that is, were in hot pursuit of Bart and, therefore, had reason enough for entering the private residence with their guns drawn?

(45. Talk to Smith? \$100,000?)

Did respondent disclose whether Hanlon really told Charla that Bart asked him, Hanlon, to take him to talk to her, Charla, and to up his bond because the hundred-thousand-dollar bond Bart had not yet been given, would not keep him, Bart, in jail because, among his, Bart's, friends, Jason, Mindy, Tarah, Kodi, et al., they, Jason, Mindy, Tarah, Kodi, et al., knew he, Bart, had a \$50,000 trust fund and would be out in no time?

(46. Hide Bart out or just detain?)

Did respondent disclose whether Hanlon and Bush took, hid, Bart, out at, to the Fort Worth Police Department detective's office on the southwest side of Fort Worth until Charla got back with her, Charla's, warrant for his, Bart, arrest, or were they, Hanlon and Bush, just detaining him there until she got back and they, Bush, decided to arrest him?

(47. DMV (Charla); ticket file (Hanlon)? )

Did respondent disclose when why Charla queried the DMV whose truck she, Charla, seized, or that she even queried the DMV whose truck she, Charla, seized when, according to her, Charla, Hanlon pulled up Bart's ticket file and got the license plate number to his, Bart's, truck, that is, it already knew whose truck it seized?

(48. Criminal response team confirm whose truck before confiscating?)

Did respondent disclose whether Bush and the criminal response team ever confirmed the truck Shipp wrote Bush that he, Bush, saw, which only looked like the one believed to be driven by Bart, was indeed Bart's before the criminal response team confiscated it?

(49. Why Charla demoted; no to 48?)

Did respondent ever disclose whether the reason why Charla got demoted was because she did not follow proper procedure in finding out whose vehicle she seized before going out and seizing it?

(50. Charla, Bart's parents; want Bart arrested?)

Did respondent disclose whether the reason why Charla called Bart's parents was to see if they were the one who put Brett up to turning Bart into the police was why she, Charla, didn't report the 911 call and Brett?

(51. Why police report chronology backwards?)

Did respondent disclose the reason why Shipp narrated Bart's arrest before Charla narrated Bart was a suspect because, after Jerri and Mindy called her, Charla, back, she, Charla, sent the criminal response team out to arrest Bart without ever having collaborated what Mindy and Jerri were saying?

(52. Jason's photo spread missing?)

Did respondent disclose Charla's photo spread results from when she, Charla, said she, Charla, had Mike try to identify Jason was missing from the file, and / or if it did, did it say by whom?

(53. Hanlon's notary; Mike's photo spread?)

Did respondent disclose Hanlon's propensity towards falsehood, or that he, Hanlon, was not one who should have been holding the deposition to which Mike was subjected, that is, that just because the deposition was said to have been signed by Mike on 2-23-02 did not necessarily mean that it was because of Hanlon's propensity towards falsehood, that is, Hanlon's credibility was shot?

(54. Why no subpoena Mike's and Andy's discharge hospital records?)

Did respondent disclose the reason why it excluded Mike's and Andy's hospital records for the day they, Mike and Andy, got out of the hospital was because they, the hospital records, showed Mike was discharged before Andy, that is, that Mike submitted to the deposition, that is, the original one, before Charla went to Mindy's and the Crowley Police Department and found out who Bart and Jason were and built their photo spreads for Mike to identify them, Jason and Bart, that is, Charla didn't corroborate what Mindy told her, Charla, about what Bart supposedly told them, Mindy and Tarah before going out and arresting Bart, and then lied to try to cover it up.

(55. Paul's Caller ID?)

Did respondent disclose whether it ever got the number off Paul Griffin's caller ID to call it to find Bart since Mindy said she heard Paul the day after the robbery / shooting at school talking about Mike having used one of the guy's cell phones whom he, Mike, was trying to get the marijuana for, or did respondent abandon that lead in its effort to find Bart, after several man-hours and potential waste of human life? After all, according to Charla, Bart was more than willing to talk to her, Charla, in fact, he, Bart, requested to talk to her, Charla?

(56. Abandoned forfeiture proceedings?)

Did respondent disclose the reason why it abandoned the forfeiture proceeding against him, Bart, for his, Bart's, truck was because Charla and the criminal response team unlawfully seized it and arrested Bart and it didn't want that coming out, that is, it was just easier to give him, Bart, his, Bart's, truck back even though it was used in the commission of a crime and, by all rights (legally), was respondent's truck?

(57. Why redirect away and toward)

Were Foran trying to distract the jury's attention away from how small the bullet fragment was, and how incredibly unbelievable Fazio's conclusion was **(when Fazio described how he was able to perform ballistics analysis,<sup>1</sup> and Foran asked him whether the bullet fragment was fired from the rifle and he said yes)<sup>2</sup>** when Foran asked Fazio about the misfire?<sup>3</sup> That is, did Foran mean to suggest the misfire would have been the fatal shot that killed Rick had it not misfired? Sure to show the folks on the back row of the jury box?

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<sup>1</sup> FAZIO: If I can match up those individual stria from one to the other, I know that it came from this particular firearm.

<sup>2</sup> FORAN: So that's your conclusion about Exhibit No. 33? FAZIO: Yes.

<sup>3</sup> FORAN: Now, let's look at item 2 in -- among the cartridge -- the live cartridges, State's Exhibit No. 32-B. Now, did you -- was there anything forensically significant about that cartridge when you examined it? FAZIO: Yes, Stale's Exhibit 32-B, my item 2, showed signs of being chambered in the firearm and having a light firing pin hole. FORAN: What does that mean? FAZIO: That means for some reason the firing pin broke forth and struck this cartridge, but not hard enough to make a primer and make the gun go off. FORAN: Did you actually see it? FAZIO: Visually? FORAN: Without a microscope? FAZIO: Yes. FORAN: Step down here, please. FAZIO: (Witness complies) FORAN: If, why don't you remove it from this package. FAZIO: Okay. FORAN: Indicate to the jury where you can see that. FAZIO: (Witness complies) FORAN: Be sure and show it to the folks on the back row also. FAZIO: In addition to that, there were chamber marks on the cartridge case itself. FORAN: And chamber marks are left from the weapon itself? FAZIO: That's correct. FORAN: Now, do -- does this -- your opinion was this particular cartridge matched back to this SKS having been in there at some point? FAZIO: That cartridge had been chambered in that particular SKS at one particular point.