

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

Applicant's Notice Of Deposition On Written Questions for **Sherry B. Green**

To: **Sherry Green**, 12617 Panorama Dr, Burleson, Johnson County, TX 76028-7075,

(682) 217-0069, Emails fordprefect7@gmail.com garygreen943@yahoo.com

gary9119@sbcglobal.net sherryg3716@aol.com

sherry.green@earthlink.net http://www.facebook.com/people/_/100002349628451

<http://www.facebook.com/sherrybueno.greenor>

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 **Sherry Green** 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 **Sherry Green**, who may be found at **12617 Panorama Dr, Burleson, Johnson County, TX 76028-7075, (682) 217-0069, Emails fordprefect7@gmail.com garygreen943@yahoo.com gary9119@sbcglobal.net sherryg3716@aol.com sherry.green@earthlink.net**http://www.facebook.com/people/_/100002349628451
<http://www.facebook.com/sherrybueno.greenor>, 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 subdivision, 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 **Sherry Green** 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 **Sherry Green** 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 Sherry Green

(1. Did the cops employee yall's help to find Bart?)

Back early 2002 to Melinda Keisel, or Mindy, was a witness to attempted double homicide and robbery. The police said once her mom, Jerri Westmoreland, found out she, Mindy, was a witness and that she, Mindy, lied to them, the police said that she, Jerri, called them, the police, back and told them, the police, that Mindy not only lied, but that the suspect, Barton R. Gaines, or Bart, confessed to them the attempted double homicide and robbery, and that he, Bart, told her, Mindy, that if she, Mindy, told the cops on him, Bart, that he, Bart, was going to kill her, Mindy, and her, Mindy's, family, and go to Mexico. After Jerri and Mindy told the police this did they, the police, ask them, Jerri and Mindy, if they, Jerri and Mindy, new where Bart was, or if they, Jerri and Mindy, could help them, the police, find Bart before he, Bart, hurt them, Jerri & Mindy, or anybody else?

(2. Was Brett Bart's Judas?)

If known, did Brett Tucker have anything to do with the cops finding out where Bart was so that they, the police, could arrest him, Bart, before he hurt Jerri and Mindy or anybody else?

(3. Did the cops ever call you while your phone number was Paul Griffin's caller ID?)

Tarah Green, who was with Mindy, said in an affidavit that she (Tarah) used Jerri's cellphone to call Bart while he (Bart), Jason Tucker, and Daniel Aranda were at Walmart buying shotgun shells. Tarah also said that she called Bart while they (Jason, Bart, and Daniel) were at Benbrook Lake, and again when they were on their way to Kodi's to drop off her (Kodi's) backpack. Michael Williams, or Mike, one of the victims of the attempted double homicide/robbery, said he (Mike) used Bart's cellphone to call his friend Paul Griffin and their (Mike's and Paul's) dealer. And, according to Mindy, the next day at school after Jason, Daniel, and Bart robbed and shot Mike and Andrew Horvath, or Andy, who (Andy) was also with Mike, Paul told her (Mindy) he (Paul) had the guys' cellphone number on his caller-ID from when Mike called him (Paul) for the marijuana. Although Bart doesn't remember whether Mike used his (Bart's) cellphone or Jerri's or Sherry's, he (Bart) is certain nobody ever called him in reference to the robbery/shooting; in other words, if Mike used Bart's phone to call Paul and Paul had his (Bart's) number on his caller-ID, it would have made a lot more sense for the cops to have called it to find and talk to Bart, if Mike indeed used his (Bart's) phone, instead of going out door-to-door looking for Bart. The question therefore is, did Jerri or Sherry have a cellphone, did Jerri or Sherry let either Mindy or Tarah borrow it, and did the cops or anybody else ever call any one of y'all that Mike used one of y'all's' cellphones to call Paul for the marijuana; in other words, one of y'all's' phones was used to facilitate the attempted double homicide and robbery?

(4. Was Tarah's statement an oversight whose phone she used to call Bart?)

Was the part in Tarah's affidavit about using Mindy's mom's cell phone to call Bart added in there by the cops and accidentally overlooked by Tarah, or did Tarah really use Jerri's cellphone to call Bart? Bart neither remembers Jerri ever having a cellphone nor Mindy getting to borrow it, ever. He (Bart) does, however, remember Sherry having a cellphone, and Tarah borrowing it, often.

(5. Redo affidavit)

Did the police ever get back with either Tarah or Mindy to redo their affidavits, specifically after talking to them about the Walmart video?