

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 **Joe F. Shipp**

To: **Joe F. Shipp**, (street): _____, (city): _____, (county): _____,
(state): _____, (zip-code): _____, (telephone): _____.

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 **Joe F. Shipp** 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 **Joe F. Shipp**, who may be found at **(street):**

_____, **(city):** _____, **(county):** _____, **(state):** _____, **(zip-code):** _____, **(telephone):** _____, 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 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 **Joe F. Shipp** 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 **Joe F. Shipp** 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 Officers for Joseph F. Shipp

(1. Where & when briefed on Bart's warrant?)

Officer Joseph F. Shipp of the Fort Worth Police Department wrote that on 2-24-02 he and the rest of the Criminal Response Team were on a special detail, after a 2-23-02 briefing by the Fort Worth Police Department Detective Charla Beth Smith, trying to locate an attempted capital murder suspect, and the Criminal Response Team arrested him, Barton R. Gaines, or Bart, in response thereto a little after midnight, that is., at 12 a.m. on 2-24-02. Do you recall where you, the Criminal Response Team, were briefed, that is, was it at the police station at 3128 West Bolt Street on the southside of Fort Worth, and if not then where, plus what time of day was it, night or day?

(2. Inform: CIs or Mexico?)

Did Charla tell you whether she had confidential informants who were friends of Bart's who were out that moment locating where Bart was, or did you just simply go out after the briefing and scour the town until you found him? Or did she, Charla, tell you that he may not even be in Fort Worth because his friends were saying that he was going to Mexico?

(3. How long to find Bart?)

If you just simply went out scouring the city without any help from a CI finding him, how long was it after Charla's briefing before you found Bart?

(4. Where look for Bart?)

If you just simply went out scouring the town without any help from a CI helping you locate him, Bart, did you go by his house in Benbrook, his girlfriend's, Tiffani's, Grandma's up the street, or Tiffani's moms in Granbury? And if not how did you go out looking for him? And how did you expect to find him? That is, walking? Driving? Riding?

(5. How look for Bart; Truck?)

If you just simply went out scouring the town without any help from a CI helping you find him, Bart, were you looking for his truck? Is that how you expected to find him? Did you know what it looked like? Did you have a picture? And once you found it, how did you expect to know whether it was the right one or not? Did you have the plate number?

(6. Was Brett the CI at Coker's?)

Shipp wrote that officer Raymond O. Bush saw a truck parked on Eastview Street, somewhere in the fifteen thousand and 30th block, maybe 1532, on the southwest side of Fort Worth, that

looked like the truck believed to be driven by Bart. But Shipp didn't write whether Bush was able to confirm whether the truck was his. Instead, Shipp just simply wrote Bush and the criminal response teams surrounded the area, and that officer Stephen G. Fineman asked some guy in some random two-door black vehicle that appeared to pull up to the house or area only to leave once it recognized several marked police cars in the area which house the truck believed to be driven by Bart was parked at, or which house he believed it was parked at. Then he, Fineman, searched it to see if he was trying to smuggle Bart out of the area. Was the driver of this car Brett Tucker, or Charla's confidential informant, and do you normally just go around violating people's rights to privacy?

(7. They're w / Bush; confirm plate #?)

When Bush spotted the truck believed to be driven by Bart, did Bush radio to you and the rest of the criminal response team that he spotted a truck that looked like the one believed to be driven by Bart's truck before commencing upon the house and if so, who, when, and how?

(8. Normally that Reckless?)

Shipp wrote that he and Fineman then jumped the fence of the house the people in the vehicle, Fineman stopped, said the truck that looked like the one that was believed to be driven by Bart was parked at. And that he, Shipp, radioed Sergeant Hanlon and officer Keith A. Savoy that he, Shipp, positively saw him, Bart, poke his head out a back window for a split second before re-entering the house. What if you were at the wrong house, that is, the driver of the car Fineman talked to was mistaken which house the truck that looked like Bart's was parked. Did Shipp really radio this to Hanlon and Savoy, and what if he, Shipp, was mistaken? In other words, what if you commenced upon the wrong house and ran up in it with your guns drawn and killed some innocent bystander, that is, since Savoy couldn't see his, Bart's, hands behind his, Bart's, head? Are you normally this reckless?

(9. Did Bart really disobey Savoy?)

Shipp wrote that after radioing Hanlon and Savoy that Savoy ran up in the house with his gun drawn, ordered Bart on his knees with his hands behind his head, but that he, Savoy, used open hand combat on Bart because he reached down and away in an area not easily viewed by Savoy, and because there were three other males in the room. Did Bart really disobey Savoy's orders or did Shipp say that to justify the attack? After all, Savoy couldn't see what, if anything, was in Bart's hands behind his head, right? And you were executing an attempted capital murder warrant on Bart. It seems that if Bart was really reaching down and away like Shipp wrote, and Savoy was apparently saying, that Bart would have probably taken a few rounds to his center mass.

(10. Detained till or arrested at midnight?)

Officer Shipp wrote that you arrested Bart a little after midnight, that is, 12 a.m. on 2-23-02, or that you at least had him detained until then. Charla and Hanlon claimed the complainant, Mike, identified Bart in a photo spread at 7:30 p.m. on 2-23-02. Bart's cell phone records show that somebody, presumably Charla's CI, Brett Tucker, called 911 at 8:14 p.m. on 2-23-02 and told the dispatcher where Bart was. Did you really arrest Bart after midnight, or did you just have him detained until Charla could obtain the warrant for his arrest?

(11. Take to see Charla; bond?)

Charla wrote that Bart told Hanlon to take him, Bart, to talk to her, Charla, and to up his bond because the hundred-thousand-dollar bond that he had not yet been given wouldn't be a problem for him to make because, among his friends they knew, Bart had a \$50,000 trust fund and would be out in no time. Did Bart really tell you to take him to see Charla and, if he did, how did he know to tell you to speak to her Charla since he didn't know her, and how did he know what his bond was going to be since it had not yet been administered, if he indeed told it wouldn't be problem for him to make? What was Bart, a fortune teller? Could he tell the future? Was he a clairvoyant?

(12. Redo and notarize Mike statement?)

Charla wrote that her complainant, Mike, got out of the hospital, came to her office, and identified Bart. That Bart was the guy who robbed and shot him. Mike's photo spread results thereto show that Mike identified Bart at 7:30 p.m. on 2-23-02. Mike's deposition statement of affidavit says Charla showed him the photo spread on 2-23-02, and Hanlon notarized that it was indeed 2-23-02. Did Mike really identify Bart on 2-23-02 or did Hanlon and Charla get back with Mike after you arrested Bart to have him, Mike, identify Bart and redo his affidavit adding the last two sentences that he, Mike, did identify Bart then, on 2-23-02? That is, is that why Charla got Hanlon to notarize it because she didn't trust anybody else to vouch for the date it was signed?

(13. Hide Bart out till then or just detain?)

Did Sergeant Hanlon and officer Bush hide Bart out at the police station in an interrogation room until Charla was able to obtain Bart's arrest warrant, and were you able to persuade Shipp to say that you arrested Bart around midnight on 2-24-02, or were you just detaining him, Bart, until then?

(14. Escape; Hot Pursuit?)

Did you decide to add the part about Bart trying to escape as a reason to pursue Bart back into the house without a warrant, that is, if the warrant was ever contested and held invalid?

(15. Dillinger?)

Back around 11-20-91 did Hanlon and M.E. Dillinger get into a fight at a bar in Fort Worth, then give chase outside thereto in their car, and shoot one of the occupants in the car they were chasing in the head? And if so, what was Mr. Dillinger's full name and date of birth, and how on earth were they able to avoid going to jail or prison?

(16. Ticket file?)

Charla wrote that after she stopped by the Crowley Police Department and got Bart's and Jason's information that she called him, Hanlon, with the information and by the time she got back to the detective's office that Hanlon had already pulled Bart's ticket file with the city and got his license plate number to his truck, then went out and searched the city until he, Bush, happened upon his, Bart's, truck an hour and a half after Charla obtained a warrant for Bart's arrest. Is this true? Did Hanlon really pull up his ticket file then go out and search the city for Bart until Hanlon found him?

(17. Mess with the shotgun shells and Jason's prints?)

What happened to the shotgun shells? It looks like they were run through a blender. Did you or did you have somebody with the Fort Worth Police Department grind up the shotgun shells so that he (Bart) and his lawyers couldn't hire an expert to test them and match them back to Jason so that they could disprove your theory that he (Bart) shot Mike and Andy?

(18. Move the rifle from cab to toolbox?)

On 2-28-02 Detective Charla Beth Smith wrote that you and the Fort Worth Police Department Crime Scene Investigator found a rifle in the toolbox on Bart's truck. Bart, however, last recalled it in the cab of the truck, not in the toolbox. The extraneous witnesses claimed the suspect was digging around in the toolbox before they turned around in the opposite direction and were fired upon. Did you or did you have somebody move, much like Jason's photo spread results, the rifle from the cab of Bart's truck to the toolbox in an effort to essentially frame him for the extraneous in Granbury? After all, Detective Charla Beth Smith really did "hope" and believe that Bart should be locked up for the rest of his natural born life. In other words, she just really believed in hope Mindy, Jerri, Tarah, Kodi, and Jason were telling the truth that much, that she was able to give it an extra push in that direction, so that he wouldn't ever be able to get out and hurt them, or disprove them, right?

(19. Break into storage)

Did the Ft. Worth PD break into Bart's storage to try and find the shotgun so that he and his lawyer could not hire an expert to dust the shotgun for fingerprints and match the shotgun back to Jason, Mindy, and Tarah (i.e., did you know Mindy and Tarah shot the shotgun?) so that they could disprove your theory that he (Bart) shot Mike and Andy? After all, beside the Ft. Worth PD, the only other person to have a key to the lock on his storage was his parents, who a few days after Bart was arrested, went to his storage and found, after unlocking it (at least y'all were nice enough to lock it back), it ransacked. That is, did you know the reason why you didn't find it there was because it had been stolen some 26-days before he was arrested on 1-26-02, i.e., did you know that Mindy, Jerri, and Jason were sending you on a wild goose chase to look for a shotgun that didn't exist?