

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

Applicant's Notice Of Deposition On Written Questions for **Brett Tucker**

To: **Brett Tucker**, 4241 Wilson Ln, Fort Worth, Tarrant, TX 76133-1066, (817) 915-3296,

Emails [stevenatsteven@yahoo.com](mailto:stevenatsteven@yahoo.com) [michelebrown@usa.com](mailto:michelebrown@usa.com)

[steven.tucker@netscape.net](mailto:steven.tucker@netscape.net)

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 **Brett Tucker** 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](mailto: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 **Brett Tucker**, who may be found at **4241 Wilson Ln, Fort Worth, Tarrant, TX 76133-1066, (817) 915-3296, Emails stevenatsteven@yahoo.com michelebrown@usa.com steven.tucker@netscape.net** 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 **Brett Tucker** 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 **Brett Tucker** 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.

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Witness

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Date

FEE FOR SERVICE OF SUBPOENA: \$ \_\_\_\_\_

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## Deposition on Written Questions for Brett Tucker

(1. Did you call 911 on Bart's cellphone)

Your old friend Bart, or Barton R. Gaines, says you called him the night he was arrested and asked him where he was and what he was doing, and you and your girlfriend, Victoria Clark, showed up soon thereafter to say hi! Bart says you asked to use his cell phone, but that before he remembered to get it back, Shane Wilson's cousin, Bobby, asked him to ride with him to the store real quick to get some cigarettes and that when they got back there was a car broke down in the middle of the street with a tow truck that they had to pull around to get back up to Coker's house, and a cop car parked on the other end in the cul-de-sac and that you and Victoria were in her mom's two door black Ford Explorer headed in the opposite direction talking about having to get Victoria's mom's car back home before she had a fit and that his, Bart's, parents later told him that they, his parents, got his phone from you a day or two later. Did you call nine-one-one on Bart's phone and, if you did, did you tell them where Bart was and / or what he was wanted for? His cell phone records show that somebody called 911 on his phone right before he was arrested, and you were the last one with his cell phone.

(2. Were you the one whom the cops said they asked you which house Bart was at?)

Were you the ones whom the cops said they stopped on your way out of there and, if yes, were you the ones they, the cops, said they stopped on your way out of there, and if yes, were you the ones they, the cops, said who told them which house Bart was at?

(3. Did Mindy & Jason put you up to finding & turning Bart in to the police)

If you were the ones who told the cops or Bart was, or you were the ones who called 911 on his cell phone, why did you do it? That is, did Mindy Keisel or Jason Tucker put you up to it, that is, finding Bart and telling them, the cops, where he was?

(4. Did Bart's parents put you up to finding & turning Bart in to the police)

If Mindy or Jason didn't put you up to turning Bart into the police, who did? Did Bart's parents put you up to it?