

1 MS. SWITZER: That's okay, Mr. Ray, I know
2 what you're doing. That's fine. That's fine. I have no
3 objections.

4 Q. (By Mr. Ray) This is the Defendant's Exhibit 4
5 that you've been telling the jury about. And you're saying
6 that that is the license of Turbo Radio Partnership?

7 A. Turbo Radio Limited Partnership, yes.

8 MR. RAY: All right. And we offer in evidence
9 Defendant's Exhibit 4 and ask for permission for him to get a
10 copy of it if he needs it for the file.

11 THE COURT: All right. It's admitted without
12 objection.

13 MS. SWITZER: That is correct.

14 Q. (By Mr. Ray) And again, you told the jury that
15 that was 1998?

16 A. That's when the license was issued, yes.

17 Q. And at that time Mr. Turvaville was the
18 general partner -- was the general partner of the --

19 A. He was -- he was the general partner in 1998,
20 yes.

21 Q. Now, and -- and that was the license holder at
22 the time that you went on the board. You weren't on the
23 board at the time that --

24 A. Turbo Radio Limited Partners was the license
25 holder in 2000 whenever I came on the board, yes.

Toni A. McClendon, CSR
P.O. Box 766, Wheeler, Texas 79096
(806) 826-5501 (806) 665-4176

1 Q. Okay. Now, do you know whether or not the
2 license was later transferred to another licensee?

3 A. It was always to Turbo Radio Limited Partners
4 until it changed over into Mr. Hammond's name.

5 Q. All right. Now, you know that we have an
6 exhibit here that shows the date when that happened. Are you
7 aware of when --

8 A. No, I haven't seen that exhibit.

9 THE COURT: Here's the exhibit stack.

10 MR. RAY: Well, I think --

11 Q. (By Mr. Ray) I show you now Defendant's
12 Exhibit 3 which was admitted yesterday and ask you if you
13 recognize that as the official assignment of the license to
14 Terry Keith Hammond?

15 MS. SWITZER: Your Honor, I'm going to object
16 to that question. He's not established this witness as an
17 expert in FCC licensing, rules and regulations, and I don't
18 believe he's qualified to determine whether or not that is in
19 fact an accurate, true and correct and true transfer of a
20 license or anything else.

21 THE COURT: I'm going to let him testify if he
22 can tell it from the instrument. It's in evidence.

23 MS. SWITZER: Yes, sir.

24 THE COURT: I know it's without -- over your
25 objection, but it is in evidence.

Toni A. McClendon, CSR
P.O. Box 766, Wheeler, Texas 79096
(806) 826-5501 (806) 665-4176

179

1 MS. SWITZER: I understand that it's in
2 evidence, Your Honor. My objection goes to the question that
3 he asked the witness if he in fact understands that that is.
4 He's asking him for an expert opinion on a document that's
5 been admitted into evidence, but he doesn't have the
6 background to determine whether or not it is.

7 MR. RAY: And out --

8 THE COURT: I'm going to let him testify --
9 I'm going to overrule the objection and let him testify as to
10 that much.

11 A. I've never seen this document before and I
12 don't know that it is 100 percent. It -- it's entitled
13 United States of America Federal Communication Commission FM
14 Broadcast Station License Terry Keith Hammond and it --

15 Q. (By Mr. Ray) From the FCC?

16 A. Yes.

17 Q. Okay.

18 A. And it was grant dated on April 24th, 2003.

19 Q. April of 2003. Of 2002.

20 A. No, sir. It says 2003.

21 Q. April 24th, 2003. Now, do you know -- I
22 believe that your testimony on direct was that you talked to
23 the Shamrock board -- the EDC board when you visited with
24 Keith Hammond -- Terry Keith Hammond about him operating the
25 KRM(sic) Radio Station in Shamrock?

Toni A. McClendon, CSR
P.O. Box 766, Wheeler, Texas 79096
(806) 826-5501 (806) 665-4176

1 A. He was present I believe at the second
2 meeting.
3 Q. All right. Who -- do you know who was on the
4 board at that time?
5 A. It was George Hooten, Jerry Bob Jernigan, Tom
6 Velasquez, Jerry Robinson and --
7 Q. Bill Horrocks?
8 A. Bill Horrocks. Uh-huh. Uh-huh.
9 Q. And are you saying that Mr. Hammond was also
10 there when you had the -- your meeting?
11 A. I believe he was at the second meeting.
12 Q. Second one?
13 A. He was not at the first meeting.
14 Q. Now, when did you set up the escrow fund that
15 you've told the jury about?
16 A. It was in -- let's see, I could probably look
17 at this and see whenever it was originally done. The first
18 checks that were deposited were on 2/19 of '02.
19 Q. So -- so that was probably the time then that
20 you set the account up?
21 A. Yes.
22 Q. Did you and Mr. Hammond discuss the escrow
23 account before you set it up?
24 A. Yes. I told him what we were doing, that we
25 were setting up the account and that all of the checks would

Toni A. McClendon, CSR
P.O. Box 766, Wheeler, Texas 79096
(806) 826-5501 (806) 665-4176

1. come to us and all of the bills would come to us.

2. Q. Didn't -- didn't you and him first discuss
3. opening an escrow account so that all of the money that the
4. radio station took in as a result of the advertising by the
5. station, would be going to this account? Did you discuss
6. with him who would be the people signing checks?

7. A. Well, the Economic Development would be in
8. charge of signing all of the checks and myself and Connie
9. Wilson my secretary were the two signatures. All checks had
10. to have two signatures.

11. Q. Are you denying that Mr. Hammond had told you
12. that he wanted both you and his signature on all of the
13. checks?

14. A. I did not recall Mr. Hammond ever saying that
15. to me.

16. Q. Okay. In other words, you're denying that
17. that ever took place?

18. A. Yes, I do.

19. Q. All right. And is it your testimony to the
20. jury here that he agreed for you and Connie Wilson, who is
21. your secretary, to sign all checks on the escrow account?

22. A. He and I did not agree to any of that because
23. we never had that discussion.

24. Q. Okay. In other words, your attorney told you
25. to open it up and you did?

Toni A. McClendon, CSR
P.O. Box 766, Wheeler, Texas 79096
(806) 826-5501 (806) 665-4176

1 A. Yes, sir.

2 Q. Now, at that time, it's your testimony that
3 the people who were involved in the Shamrock Broadcasting,
4 Inc. were also people in the limited partnership or were they
5 different folks?

6 A. The Shamrock Broadcasting, Inc. was the
7 general partner of Turbo Radio Limited Partners.

8 Q. I know. But do you know who the corporation
9 -- who were the owners of the Shamrock Broadcasting, Inc.?

10 A. Yes, sir. It was John Kiernan, Jimmy Donchez
11 and John Palumbo.

12 Q. And -- and it's your testimony that they were
13 the operators of the radio station up until you got back from
14 California and discovered they were long gone?

15 A. Yes, they were the operators of the station
16 until that point.

17 Q. And at that time, did you ever have any
18 conversation with Mr. Hammond as to the collateral that you
19 had on the note that you testified earlier about being left
20 at the station when the -- Donchez and Kiernan left?

21 A. Ask -- ask the question again. I didn't
22 totally understand it.

23 Q. Did you talk to Mr. Hammond about the
24 equipment that was left by Kiernan and Donchez when they
25 left?

Toni A. McClendon, CSR
P.O. Box 766, Wheeler, Texas 79096
(806) 826-5501 (806) 665-4176

1 A. Yes, we did. We discussed that they had taken
2 three computers and a generator.

3 Q. Okay.

4 A. And that Mr. Hammond had held the door open
5 for them while they loaded those three items or four items.
6 And that was all that I was told was ever taken out of the
7 building.

8 Q. Okay. Did you ever take an inventory to see
9 what was in there even before Donchez and Kiernan left?

10 A. Yes. We had an inventory done whenever we did
11 the promissory note.

12 Q. Okay. And did you also take an inventory
13 after they left to see what was there?

14 A. Well, we went over and looked around the radio
15 station and everything was there with the exception of those
16 computers and that gas generator.

17 Q. Your -- the -- you didn't check the serial
18 numbers or that sort of thing though, did you?

19 A. No, I did not.

20 Q. Okay. And, you know, do you not that
21 Mr. Hammond brought some equipment with him when he was
22 operating the station in order to continue broadcasting?

23 MS. SWITZER: Objection, Your Honor,
24 relevance.

25 THE COURT: I'll hear it to a limited extent.

1 Proceed.

2 MR. RAY: Okay.

3 Q. (By Mr. Ray) You were relying on the knowledge
4 and ability of Mr. Hammond to continue broadcasting over the
5 KRMN Radio Station at that time?

6 A. That's correct.

7 Q. You knew, did you not, that Shamrock EDC had a
8 lien as a result of that note and had collateral for it on
9 the building and the equipment of the radio station?

10 A. That's correct.

11 Q. But you knew that that didn't extend to the
12 license?

13 A. Yes.

14 Q. And you knew that in order to broadcast,
15 somebody had to have a license?

16 A. That's true.

17 Q. And did you make any check in -- or
18 investigation into the license situation other than looking
19 at the 1998 license that you testified to a while ago?

20 A. The license was still in Turbo Radio Limited
21 Partners. Mr. Hammond had been brought in by the previous
22 owners to operate in their name.

23 Q. How do you know that the license was still
24 like it was?

25 A. I didn't know of any change.

Toni A. McClendon, CSR
P.O. Box 766, Wheeler, Texas 79096
(806) 826-5501 (806) 665-4176

1 Q. In other words, you didn't really know -- you
2 were just relying on that 1998 license that you testified
3 about a moment ago.

4 MS. SWITZER: Objection, Your Honor, asked and
5 answered.

6 THE COURT: Sustained.

7 Q. (By Mr. Ray) Okay. Now, it's your testimony,
8 is it not, that you relayed to the members of the Shamrock
9 Economic Development Board the conversations that you and
10 -- and Mr. Hammond had and you kept them up to -- up on what
11 was taking place between the two of you?

12 A. Yes.

13 Q. Now, did Mr. Hammond ever tell you that he had
14 secured a license on the KRMM Radio Station?

15 A. No, he did not.

16 Q. Okay. Never did tell you?

17 A. No, sir.

18 Q. Okay. Did you have any conversation with him
19 about the bills and that sort of thing other than what you've
20 told the jury about?

21 A. I'm sure we discussed, you know, some
22 individual things that he needed or whatever like that, or,
23 you know, I'm sure we did have some discussions about bills
24 or whether they were vital to operate the radio station or
25 not. I don't recall every one of them because there was six

Toni A. McClendon, CSR
P.O. Box 766, Wheeler, Texas 79096
(806) 826-5501 (806) 665-4176

186

1 -- five or six months worth there.

2 Q. In other words, you really had almost daily
3 conversations with him about different matters concerning the
4 radio station?

5 A. Yes.

6 Q. And he was running the radio station and you
7 were supervising it?

8 A. Actually, all I was doing was taking care of
9 the accounts payable, the accounts receivable and so forth
10 and he was pretty much running the radio station.

11 Q. Did you have an office or anything there or
12 you just dropped in and out?

13 A. I just dropped in and out.

14 Q. Okay. Now, did Mr. Hammond say anything to
15 you about his wanting to buy the building and whatever
16 equipment that Kiernan and Donchez had left?

17 A. Yes, he did several times. He told me he
18 would like to buy the radio station, which, I took that as
19 being the building and the equipment, yes.

20 Q. Right. And -- and you were the one that the
21 Shamrock Economic Development Company -- not company --
22 Corporation gave the authority to handle the escrow account
23 as you saw fit?

24 A. Yes.

25 Q. Did you give reports and so forth on what you

Toni A. McClendon, CSR
P.O. Box 766, Wheeler, Texas 79096
(806) 826-5501 (806) 665-4176

1 were spending and what you were depositing at the meetings?

2 A. Yes, I did.

3 Q. Okay. Did you give any to Mr. Hammond or did
4 you just consider him as not being entitled to it?

5 A. I never -- I never sat down with him and went
6 over it item per item. I mean, we discussed occasionally how
7 much money was in there and any bills or any income or outgo,
8 we discussed. But as far as sitting down and having him go
9 through the bank statements or anything like that, no.

10 Q. Did Mr. Hammond tell you that he would like to
11 purchase the building by -- and that he would take over the
12 payments that was owed on the note for the building and the
13 equipment? Did he say that he was willing to do that and
14 offer to do it?

15 A. Yes, he did several times. And whenever he
16 asked the board that very question, it was explained to him
17 again that it had to go up for bid.

18 Q. Now, was there a time before the board said
19 that, that you led Mr. Hammond to believe that money from the
20 escrow fund was being used to make payments on that note that
21 you testified about?

22 MS. SWITZER: Objection, Your Honor, the
23 question asks for speculation on the part of this witness as
24 to what the Defendant might or might not have believed and I
25 believe it's an improper question.

Toni A. McClendon, CSR
P.O. Box 766, Wheeler, Texas 79096
(806) 826-5501 (806) 665-4176

188

1 THE COURT: To that extent the question is
2 objectionable. I sustain the objection as to what he was led
3 to believe.

4 MR. RAY: All right.

5 Q. (By Mr. Ray) Did -- did you tell him that
6 payments were going to be made from the escrow fund on the
7 note payments monthly?

8 A. No, sir, not that I'm aware of. All of the --
9 all of the payments made to the bank on that were made from
10 Shamrock Economic Development Corporation, not the escrow
11 account.

12 Q. All right. So you didn't tell -- you're
13 denying having told Mr. Hammond that they were being paid
14 from the escrow account?

15 A. I don't recall making those statements.

16 Q. Okay. In other words, so that I'll understand
17 your testimony, you're not saying that you didn't, you just
18 don't recall it?

19 A. I don't recall telling him that, but all the
20 payments were made by the Shamrock Economic Development. It
21 was not made by the escrow account at all.

22 Q. Were you also interviewing potential buyers of
23 the radio station during this period of time of March, April,
24 May?

25 A. The Shamrock Broadcasting group had, before

Toni A. McClendon, CSR
P.O. Box 766, Wheeler, Texas 79096
(806) 826-5501 (806) 665-4176

1 they left, they had contracted with a consultant by the name
2 of Jim Hoffman and Jim Hoffman had set up a couple of tours
3 from different owners that wanted to come by and look at the
4 radio station. And -- but I was very up front with those
5 people whenever we did meet and they went through the radio
6 station, that it would be a bid process and so forth. But
7 yes, they -- two different guys did walk through the radio
8 station and look at it.

9 Q. And were you talking to them about selling the
10 radio station as though it included the license?

11 A. I didn't know what the status was on the
12 license at that particular time. But we were looking at the
13 building and the equipment.

14 Q. But the people that were there to talk to you
15 about buying it were talking to you about buying a going
16 radio station, were they not?

17 A. I don't know what their -- that would be
18 speculation for me to say that that's what they were going to
19 do. I know they were looking at changing the license, you
20 know, to them and so forth, but we never really got into any
21 serious discussions because of the bid process and so forth,
22 and so --

23 Q. Meanwhile, the Shamrock Economic Development
24 Corporation had filed a lawsuit against -- you had Mr. Mann
25 file a lawsuit against the Shamrock Broadcasting, Inc. on

Toni A. McClendon, CSR
P.O. Box 766, Wheeler, Texas 79096
(806) 826-5501 (806) 665-4176

1 this note, hadn't you?

2 A. Yes, to foreclose on that note.

3 Q. Okay. And that is still pending here in
4 Wheeler, isn't it?

5 A. My understanding is, yes.

6 Q. Did you ever tell Mr. Hammond that the
7 property was worth more as a working station and that was why
8 you wanted to go ahead with the foreclosure so you could sell
9 KRMN as a working station?

10 A. Sure. One in the dark would be worth, you
11 know, nickels on a dollar. If it's an operating station,
12 it's definitely worth more than that. And Mr. Hammond told
13 me that on several occasions.

14 Q. Now, it is true, is it not, that you and the
15 Shamrock Economic Development Corporation considered the KRMN
16 Radio Station as yours at the time that you set up the escrow
17 account?

18 A. Well, as far as the business, we were the
19 lienholder on the property and the accounts payable and
20 accounts receivable and so forth and as -- as far as a
21 business goes like that, yes.

22 Q. Okay. You were the lienholder, if Shamrock
23 Broadcasting Company, Incorporated owned the station, were
24 you not?

25 A. We were the lienholder with Turbo Radio

Toni A. McClendon, CSR
P.O. Box 766, Wheeler, Texas 79096
(806) 826-5501 (806) 665-4176

1 Limited Partners.

2 Q. Right. Now, and -- and it was your
3 understanding from the 1998 license that there hadn't been
4 any change?

5 A. That's correct. The only change that was made
6 was whenever James Turvaville sold the general partnership to
7 Shamrock Broadcasting and they became the general partner.

8 Q. That's the one that you testified happened in
9 1999?

10 A. Correct.

11 Q. Now, you have earlier stated under oath, have
12 you not, that you found out in August of 2002 that
13 Mr. Hammond was the owner of the KRMN license?

14 A. Well, I heard that on the radio on July the
15 27th --

16 Q. Oh, all right.

17 A. -- is whenever I heard that --

18 Q. That's when you heard --

19 A. -- everything had been changed, yes.

20 Q. All right. Now, from that time on, you and
21 Mr. Jernigan, who was the constable, and Mr. Tom Velasquez --

22 A. Uh-huh.

23 Q. -- went over and threw Mr. Hammond and his
24 wife and two children out of the KRMN building where you
25 earlier had allowed them to stay?

Toni A. McClendon, CSR
P.O. Box 766, Wheeler, Texas 79096
(806) 826-5501 (806) 665-4176

1 A. We didn't throw them out. We went over and
2 told them they had to leave.

3 Q. Yes. And -- and you forced them out really,
4 didn't you?

5 MS. SWITZER: Objection, Your Honor, to the
6 form of the question "forced them out," I believe Defense is
7 attempting to testify.

8 MR. RAY: If he can answer it.

9 THE COURT: I -- I overrule your objection if
10 he can answer.

11 MR. RAY: Okay.

12 A. What we did was, since he had already changed
13 the radio station over to him, he was no longer in our
14 employ, and so what we did was we told him to leave our
15 building and our equipment in that building, and we gave him
16 a couple of hours to move all of his equipment or his
17 clothing, personal belongings. We even gave them enough time
18 that his wife went down, rented a U-Haul and came back.

19 Q. (By Mr. Ray) Now, you're saying that he was no
20 longer in your employ.

21 A. Uh-huh.

22 Q. You have told me earlier, have you not, that
23 you didn't consider him as an employee ever, that he was an
24 independent contractor.

25 A. Well contractor, employee one.

Toni A. McClendon, CSR
P.O. Box 766, Wheeler, Texas 79096
(806) 826-5501 (806) 665-4176

1 Q. Because you never did send in the 490 that if
2 he's an employee you have to send in.

3 A. No, we paid him as an independent contractor.

4 Q. Right.

5 A. But he was also no longer --

6 Q. What you were doing was terminating the
7 independent contractor --

8 A. Exactly.

9 Q. -- relationship?

10 THE COURT: Let me caution you both that our
11 reporter is beautifully skilled one at a time.

12 MR. RAY: Oh, all right.

13 THE COURT: All right. Let him finish his
14 question and then let him finish his answer. All right.
15 We'll proceed.

16 Q. (By Mr. Ray) Anyway the -- you purported to be
17 -- to have the constable serve an eviction notice on him,
18 which turned out to be a notice of trespass, didn't it?

19 A. Yes.

20 Q. And then likewise, of course, the constable as
21 president of Shamrock Economic Development Corporation had an
22 interest in the EDC and in the radio station?

23 MS. SWITZER: Objection, Your Honor, relevance
24 as to what Mr. Jernigan, his interest in the EDC or anything
25 else has to do with this particular case at trial. And

Toni A. McClendon, CSR
P.O. Box 766, Wheeler, Texas 79096
(806) 826-5501 (806) 665-4176

1 further, this goes back to the Motion in Limine that I had
2 previously filed with this Court regarding collateral issues.

3 MR. RAY: We think that it is a collateral
4 issue. We think that since the rules relating to the
5 authority of a constable to serve process terminates and he's
6 not able to do it under 86021 Subsection D if he has an
7 interest in the matter that he's serving the papers on.

8 THE COURT: If he knows the answer, I'm going
9 to let him testify. But, you have asked him a question, I
10 think, that might require expertise. Develop the expertise,
11 if you would. Overrule your objection to that extent.

12 Q. (By Mr. Ray) Did Jerry Bob Jernigan, the
13 president of EDC serve -- purport to serve papers as a
14 constable or as the president of EDC?

15 A. No, he went over there as the president of
16 EDC. Actually I was the one that actually gave Mr. Hammond
17 the paperwork.

18 Q. Okay. But did -- did Mr. Jernigan have a gun
19 on him when he went over there?

20 A. No, sir.

21 MS. SWITZER: Objection, Your Honor, relevance
22 as to what Mr. Jernigan was wearing and it's hearsay.

23 THE COURT: Did he have a gun? The answer to
24 that question is no. Let's move along.

25 MR. RAY: All right.

Toni A. McClendon, CSR
P.O. Box 766, Wheeler, Texas 79096
(806) 826-5501 (806) 665-4176

1 Q. (By Mr. Ray) Now, anyway -- but he did leave
2 the building and you did retain both equipment and personal
3 items from them, did you not?

4 A. There were some personal items left in the
5 building, yes. What we did was we had them leave all of the
6 electronic equipment in the building.

7 Q. Okay. Which later on, under -- after we had
8 started some contempt proceedings and a civil suit you did
9 let them come in and get their stuff; correct?

10 A. Yes. They did come in and get their stuff,
11 but it wasn't because -- I mean --

12 Q. We're not asking because.

13 A. Okay.

14 Q. Further, you still have, do you not, the
15 public records book that the licensee is supposed to keep in
16 your possession?

17 A. The licensee from Turbo Radio Limited Partners
18 is still in the building down there, yes.

19 Q. But you're not claiming that EDC has any
20 license in the radio station KRMN?

21 A. No.

22 Q. And, in fact, there is no KRMN anymore, is
23 there?

24 A. That's correct.

25 Q. Because at the time that Mr. Turvaville

Toni A. McClendon, CSR
P.O. Box 766, Wheeler, Texas 79096
(806) 826-5501 (806) 665-4176

1 transferred it over in accordance with Defendant's Exhibit 3,
2 they changed the call letters from KRMN to KBKH?

3 A. That was my understanding whenever I heard
4 that on the 27th of July.

5 Q. That -- you still have the letters KRMN on the
6 building up until fairly recently, didn't you?

7 A. We didn't pull them down yet. We just weren't
8 operating, the building set empty.

9 Q. And all of the time after you evicted the
10 Hammonds from the KRMN building downtown in Shamrock, you
11 called the advertising customers and asked them -- and told
12 them they didn't have to pay Mr. Hammond?

13 A. No, sir, I did not. The only customers that I
14 ever called was in reference to the checks and that was if
15 they had advertised from February until July. I never called
16 any customers of Mr. Hammond's.

17 Q. You're denying, you're under oath, that you
18 never tried to interfere with his operation of the radio
19 station after you learned that he had the license?

20 A. After he had the license and began operating
21 other places, I did not bother any of his advertisers.

22 Q. Now, you know, do you not, that -- that the
23 Shamrock Economic Development Corporation had your attorney
24 John Mann file a civil lawsuit against Mr. Hammond -- Mr. and
25 Ms. Hammond?

Toni A. McClendon, CSR
P.O. Box 766, Wheeler, Texas 79096
(806) 826-5501 (806) 665-4176

1 A. Yes.

2 Q. And --

3 THE COURT: Excuse me just a minute, off the
4 record I want to talk with counsel up here at the bench.

5 COURT REPORTER: Off the record?

6 THE COURT: Yes.

7 (Discussion off the record.)

8 UNIDENTIFIED JUROR: We're having a problem
9 hearing --

10 UNIDENTIFIED JUROR: -- Mr. Ray.

11 THE COURT: With hearing?

12 UNIDENTIFIED JUROR: Yes.

13 THE COURT: Mr. Ray, once again, be sure the
14 jury is hearing you. Can that mike be -- can his mike be
15 made louder?

16 MR. RAY: Can they hear me now all right?

17 THE COURT: Oh, yes. Yes.

18 Q. (By Mr. Ray) Now, besides filing the civil
19 lawsuit that you testified that you had your attorney
20 Mr. Mann file against Mr. and Ms. Hammonds, you further had
21 him, did you not, to write a letter challenging the FCC's
22 granting of the license to Terry Keith Hammond?

23 A. I believe Mr. Mann did that. I did not
24 instruct him to do that, no.

25 MR. RAY: Let me ask that you mark this as the

Toni A. McClendon, CSR
P.O. Box 766, Wheeler, Texas 79096
(806) 826-5501 (806) 665-4176

1 next Defendant's exhibit.

2 THE COURT: That would be your 5.

3 MR. RAY: Too would you mark this as
4 Defendant's Exhibit 6.

5 (Defendant's Exhibits 5 and 6 marked.)

6 Q. (By Mr. Ray) Did Mr. Mann ever show you a copy
7 of his letter that he sent to the FCC on behalf of the
8 Shamrock Economic Development Corporation?

9 A. I've not ever seen this letter.

10 Q. Did he tell you that he had sent a letter?

11 A. He told me he had sent a letter, but he --
12 I've never seen any.

13 Q. This is the first time you have seen it?

14 A. Yes.

15 Q. I show you also Defendant's Exhibit 5 and ask
16 you if you can identify that for the jury, please.

17 A. It's a letter from John Mann to the Federal
18 Communication Commission, Washington DC.

19 MS. SWITZER: Your Honor, I'm going to object
20 to the witness testifying from an exhibit that's not yet been
21 admitted into evidence.

22 THE COURT: All right.

23 MR. RAY: I'm just asking him to identify it.

24 THE COURT: I understand. I understand.

25 Q. (By Mr. Ray) Defendant's Exhibit 5 is the

Toni A. McClendon, CSR
P.O. Box 766, Wheeler, Texas 79096
(806) 826-5501 (806) 665-4176

1 response of the FCC to Mr. Mann's letter, is it not, if you
2 could just examine it.

3 MS. SWITZER: Objection, Your Honor.

4 THE COURT: Let's get it into evidence before
5 we have him read from it.

6 MR. RAY: We'd offer it into evidence.

7 MS. SWITZER: Are you offering both 5 and 6?

8 MR. RAY: Uh-huh.

9 MS. SWITZER: Your Honor, we'd object to both
10 5 and 6 as hearsay. This is rank hearsay, especially 5,
11 well, actually both of them -- 5 and 6 are both rank hearsay.
12 These are out of court statements made by a person who is not
13 here to testify. It's not -- State's(sic) Exhibit 6 the
14 witness has already testified that he doesn't even recognize
15 this document, so therefore, there's been no foundation for
16 the admission of State's(sic) Exhibit 6 into evidence.
17 State's(sic) Exhibit 5, again, there's been no foundation,
18 it's rank hearsay, it has not been properly filed according
19 to the Rules of Evidence 901 and 902. So therefore, the
20 State would objection to the admission of both Defendant's
21 Exhibits 5 and 6.

22 THE COURT: All right. Let me look at them.

23 MR. RAY: And my client says that this is a
24 certified copy of a document on file in the -- with the FCC,
25 in response to a letter that his attorney had written to them

Toni A. McClendon, CSR
P.O. Box 766, Wheeler, Texas 79096
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1 with regard to the application by Mr. Hammonds for license
2 for KRMN Radio in Shamrock.

3 THE COURT: I sustain the objection. Both of
4 these are hearsay for the purposes of this record.

5 MR. RAY: All right.

6 THE COURT: 5 and 6 are denied.

7 Q. (By Mr. Ray) You do not deny that Mr. Hammond
8 from the time that he got here in February of 2002 solicited
9 advertising for the radio station KRMN and that he broadcast
10 the live -- he broadcast the advertising for the advertising
11 customers?

12 MS. SWITZER: Objection, compound question.

13 THE COURT: Overruled.

14 A. Okay. Your question was that he did sell
15 advertis --

16 THE COURT: The question was, do you deny.

17 Q. (By Mr. Ray) You don't deny that he solicited
18 advertising and then did it?

19 A. No, I don't deny that.

20 Q. All right. And consequently, he earned
21 whatever proceeds was collected for that advertising?

22 A. The proceeds came into the escrow account,
23 yes.

24 Q. As a result of his labor and use of the radio
25 station?

Toni A. McClendon, CSR
P.O. Box 766, Wheeler, Texas 79096
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1 A. Right. Right. But he was also paid a salary
2 to do that.

3 Q. And he was paid the salary out of proceeds
4 that he earned, didn't he?

5 A. Yes. It was out of the radio station escrow
6 account.

7 MR. RAY: I believe we'll pass the witness.

8 THE COURT: The witness is passed.

9 MS. SWITZER: Thank you, Your Honor.

10 REDIRECT EXAMINATION

11 BY MS. SWITZER:

12 Q. Well, Mr. Rushing, since Mr. Ray opened the
13 door, let's walk through it, shall we?

14 A. Okay.

15 Q. Let's talk about those civil suits, okay?

16 MR. RAY: Let's talk about what?

17 MS. SWITZER: The civil suits.

18 Q. (By Ms. Switzer) Now, you testified that
19 Mr. Mann filed a civil suit against the Defendant on behalf
20 of the EDC; is that correct?

21 A. Correct.

22 Q. Mr. Mann also filed a civil suit against
23 Shamrock Broadcasting for foreclosure of a promissory note;
24 is that correct?

25 A. Correct.

Toni A. McClendon, CSR
P.O. Box 766, Wheeler, Texas 79096
(806) 826-5501 (806) 665-4176