

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

DALE DELANEY,	}
Plaintiff,	}
	}
vs.	}
	}
CITY OF BAXTER, TENNESSEE,	} DOCKET NO. 2 98 0085
and BILLY JOE MEDLEY, individually,	}
and as Mayor of Baxter, Tennessee;	} JUDGE WISEMAN/HAYNES
and JEFF WILHITE, individually, and as Alderman	}
of Baxter and JIM HUDKINS, individually, and;	} JURY DEMAND
as Alderman of Baxter, Tennessee,	}
Defendants.	}

DEPOSITION OF: BILLY JOE MEDLEY
TAKEN: APRIL 5, 1999

APPEARANCES:

FOR THE PLAINTIFF:	Mr. William L. Draper Mr. John Wayne Allen 14 South Madison Avenue Cookeville, TN 38501
FOR THE DEFENDANT: City of Baxter	Mr. Daniel H. Rader, III Moore, Rader, Clift, and Fitzpatrick 46 North Jefferson Avenue Cookeville, TN 38501
FOR THE DEFENDANT: Billy Joe Medley	Ms. Molly R. Cripps Farrar and Bates 211 Seventh Avenue North Suite 320 Nashville, TN 37219-1823
FOR THE DEFENDANTS: Jeff Wilhite and Jim Hudkins	Mr. E. Jerome Melson Watson, Hollow, and Reeves P. O. Box 131 Knoxville, TN 37901

1 The deposition of BILLY JOE MEDLEY was
2 taken at the offices of Moore, Rader, Clift, and
3 Fitzpatrick, 46 North Jefferson Avenue, Cookeville,
4 Tennessee, on April 5, 1999.

5 It was stipulated and agreed by and between
6 the respective parties of the herein-entitled cause of
7 action that the deposition herein was taken by agreement
8 pursuant to the Tennessee Rules of Civil Procedure and/or
9 Federal Rules of Civil Procedure, whichever is applicable,
10 before Maxine Frasier, Court Reporter and Notary Public at
11 Large in the State of Tennessee;

12 That all testimony and proceedings be
13 written down in shorthand by her and thereafter transcribed
14 by her or under her direction, and that said deposition may
15 be read and used in evidence in said cause of action in any
16 trial thereon or any proceeding therein;

17 That all objections, except as to the form
18 of the question, are reserved to on or before the hearing.

19 And it is further agreed that all formalities as to
20 caption, certificate, transmission filing, etc., are
21 expressly waived. It is agreed that the Court Reporter,
22 being a Notary, may swear the witness and, after
23 transcribing the testimony, submit the same to witness for
24 signature.

25

1 INDEX OF TESTIMONY

2 The Testimony of BILLY JOE MEDLEY

3 Examination by Mr. Allen 4

4

5

6 INDEX OF EXHIBITS

7 No. Page

8 1, Citation for disturbing the peace 26

9 2, Minutes of mayor/alderman meeting 30 -

10 3, Warrant signed by Fred Helsley 36

11 4, Complaint 45

12 5, Answer 45

13

14

15

16

17

18

19

20

21

22

23 Note: All proper names, unless provided by counsel to the

24 reporter, represent the best phonetic approximation of that

25 name.

1 BILLY JOE MEDLEY,
2 having first been duly sworn, was examined and deposed as
3 follows:

4

5 EXAMINATION BY MR. JOHN WAYNE ALLEN:

6

7 Q Mr. Medley, my name is John Wayne
8 Allen. I'll be asking some questions today. If you don't
9 understand anything, let me know. You heard the other
10 people when they testified that ... if you don't remember
11 something, just tell me that; or if I need to refresh your
12 recollection, just ask me to. Okay?

13 A I'll do it.

14 Q Your name is Billy Joe Medley.

15 A Right.

16 Q And you're one of the defendants in
17 this case.

18 A Yes.

19 Q And you've been active in politics for
20 some time, haven't you?

21 A Quite a few years.

22 Q You from Silver Point?

23 A Originally. Raised there.

24 Q You're about seventy-three, I guess?

25 A Right on the money. You want me to

1 tell you who my doctor was that delivered me? Dr. Smith.

2 Q That goes back a way.

3 A Goes back a way.

4 Q And as a young man, you spent a lot of

5 time around Silver Point?

6 A Yes.

7 Q And Baxter, Boma, Buffalo Valley?

8 A The whole area, whole lower end area.

9 Q And you know the politics down there

10 pretty well.

11 A Close.

12 Q It's changing, I guess.

13 A No, not too much.

14 Q Really?

15 A Not too much.

16 Q And there's a bunch of Medleys down

17 there.

18 A Right.

19 Q Or there was.

20 A They're not many now.

21 Q When did you first get involved in

22 politics down in the lower end?

23 A Oh, I'm going to say, Mr. Allen, thirty

24 years ago. That's a long time. Thirty years.

25 Now but you've lived elsewhere, haven't

1 you?

2 A Oh, yes, yes. I've lived in Michigan.

3 I've lived in Florida. I've lived in Texas. I've lived in

4 Alabama. I've lived in Kentucky. I've lived in South

5 Carolina. Now if --

6 Q When did you leave the lower end?

7 A Oh, 1943.

8 Q You was in your twenties.

9 A Right.

10 Q And you had to leave the lower end to

11 go to work.

12 A Went to Michigan.

13 Q But before the forties, you was in some

14 businesses down there, weren't you?

15 A I don't think so.

16 Q Ever been in the trapping business?

17 A No, no, no.

18 MR. RADER: You mean besides trapping your client?

19 MR. ALLEN:

20 Q Trapping for foxes,

21 A No, no, no, no.

22 Q -- that type of thing? Never was

23 A No.

24 Q -- in the trapping business.

25 A No.

- 1 Q Fur trading, nothing like that.
- 2 A No.
- 3 Q So you weren't involved in any business
- 4 down there in the thirties --
- 5 A No.
- 6 Q or early forties.
- 7 A No.
- 8 Q And you were a high steel worker,
- 9 weren't you?
- 10 A What?
- 11 Q High steel worker?
- 12 A Yes.
- 13 You worked on sky scrapers?
- 14 A High rises.
- 15 Q And that was some pretty skilled labor
- 16 back then, wasn't it?
- 17 A Still is.
- 18 Q Still is. Did you go to Chicago?
- 19 A No, never did go to Chicago and work.
- 20 Worked southern, what we called the southern, you know--
- 21 Florida, Georgia, Alabama--south. Worked the south.
- 22 Q Lot of high rises going on back then.
- 23 A Yeah. Well, four stories was high rise
- 24 then.
- 25 Q And you lived in Detroit for awhile?

- 1 A Yes.
- 2 Q Work in the auto industry?
- 3 A Worked in the ... during the war. That's
- 4 where I went in service, from Michigan.
- 5 Q And you were in the Army, too, I guess.
- 6 A In the Marine Corp.
- 7 Q In the Marine Corp. And you were
- 8 stationed state side or did you go --
- 9 A Went overseas.
- 10 Where did you go?
- 11 A South Pacific.
- 12 Q This was in World War II.
- 13 A Yes.
- 14 Q '43.
- 15 A Yes.
- 16 Q Before you went to work in the steel
- 17 industry.
- 18 A Yes.
- 19 Q You over there till '45? Over there
- 20 till '45?
- 21 A November 15, 1945.
- 22 Q Then you came back to Tenn --
- 23 A Yes.
- 24 Q back to Michigan?
- 25 A Yes. No. I come back to Tennessee.

1 Q Were you also involved in the Korean

2 conflict?

3 A No.

4 Q Didn't -

5 A No.

6 Q - pull any service in that?

7 A No.

8 Q You came back to Tennessee in November,

9 '45.

10 A Right.

11 Q And did you stick around here awhile?

12 A Stayed about six months and went to

13 Michigan and went to work in a plant again, making

14 automobile doors.

15 Q General Motors.

16 A Briggs. I don't know who. Whoever

17 Briggs made for--General Motors. They made for quite a few

18 people; but they made the doors.

19 Q Then you left Detroit about when?

20 A Oh, I stayed there about two year.

21 Q And then you started working in the

22 southern realm?

23 A Yes.

24 Q On high steel.

25 A- Right.

1 Q And pretty dangerous work.

2 A Right. I'll tell you where I started.

3 I started on the Smithville bridge down here going to

4 Smithville across the lake, right there.

5 Q Then you lived in Texas.

6 A I lived ... no. I ain't never been to

7 Texas. I've been through there, but I --

8 Q You didn't work in Texas.

9 A No, no.

10 Q You worked in Florida.

11 A I worked in Florida. I worked in

12 Alabama, worked in Georgia.

13 Q All on high steel and

14 A High steel. Well, it was back

15 when ... Mr. Allen, when we started, --

16 [Ms. Cripps leaves room.]

17 MR. DRAPER: Do we need to stop here?

18 MS. CRIPPS: No, sir.

19 MR. RADER: Go ahead. I'll watch

20 A -- four stories was high, you know; but

21 now, that's a ground floor, is four stories.

22 Q Did you work on maybe twenty story

23 buildings?

24 A Twenties and thirties and forties and

25 fifties.

1 Q So you were up there.

2 A Up on --

3 Q Saw a lot of people get killed, I

4 guess.

5 A One man. One man.

6 Q Did you come back to the lower end in

7 the sixties, retire after then?

8 A No, no. I retired. I got hurt in 1972

9 working over here at Normandy on the dam over there for

10 TVA. 11 Q In West Tennessee.

12 A Yeah. They dropped a roof on us.

13 Q Then you came back to the lower end

14 probably for --

15 A Came back to Baxter, lower end down

16 here.

17 Q And were you in politics in the early

18 seventies down --

19 A Fifties. Started ... well, yes, in the

20 seventies. Yes. Started in the seventies.

21 Q You moved back to the Town of Baxter

22 or --

23 A Moved back to the Town of Baxter.

24 And did you run for alderman back then?

25 A I run for mayor. I've been mayor three

1 times down there.

2 Q When were you first elected?

3 A 19 ... Mr. Allen, I'm going to say 1981.

4 I believe that's right.

5 Q So a four year term?

6 A Two years back then. They've

7 just ... they've changed it here in the last, oh, what,

8 couple of years ago, three years ago?

9 Q You served that term, --

10 A Yes.

11 Q -- two years.

12 A Yes.

13 Q Then you come back in the late eighties

14 and got re-elected ... got elected again?

15 A Got elected in '86 again.

16 Q Before then ... after you were mayor the

17 first time in the early eighties, were you ever alderman?

18 A No. Run for alderman one time and got

19 beat.

20 Okay. This was since you ran for mayor

21 or before?

22 A No. I got elected the first time I run

23 for mayor. Then I run for mayor again and got beat.

24 Q Okay. So you've lost one --

25 A Twice.

1 -- lost one race for alderman.

2 A One race for alderman and two for

3 mayor.

4 Q And two for mayor.

5 A Yes. If I'm not bad wrong.

6 Q And you were elected in the late

7 eighties again. Is that right?

8 A '86.

9 Q Okay.

10 A I believe I'm right.

11 Q Did you serve your entire term that

12 time?

13 A Yes. Two years.

14 Q Two years.

15 A Yes.

16 Q You didn't have to resign or

17 A No.

18 You never did resign or

19 A No.

20 Q Still had two year terms back then.

21 A Two year terms back then was all they

22 had.

23 Q You lived in Detroit. Did you live in

24 an ethnic neighborhood?

25 A Lived with everything. If you want to

1 call it ethnic, you call it whatever you want to.

2 Everything in the country lived there--hillbillies, red

3 necks, Cubans, Mexicans, colored folks.

4 Q Did you have any conflicts with anybody

5 in these ethnic neighborhoods?

6 A No. Just joined them.

7 Q You were able to live peaceably with

8 people of other --

9 A Oh, yes.

10 Q -- ethnic --

11 A Yes.

12 Q -- backgrounds.

13 A Yes.

14 Q Has anyone ever threatened you with

15 death or serious bodily harm?

16 A Yes, they have.

17 Q Was that in those neighborhoods or

18 A Right here. Right here in town. Since

19 I've been mayor the last time, I've been threatened three

20 times. 21 Q And what was the nature of those?

22 A "11,111 kill you." How much plainer can

23 you get than that? 24 Q What was this about?

25 A I know this ... I don't know what it was

1 about. "If you do this to my husband or you do that to my
2 husband, I'll kill you."

3 Q So these are women that threatened you.

4 A one woman that threatened me and two
5 men. I know the woman. I could tell you the woman; but
6 I'll not ... I will not do that now. I'll tell you in
7 advance I won't tell you who she is. The sheriff over here
8 knows who she is.

9 Did you prosecute her?

10 A No. I just turned her in to the people
11 over there.

12 They threatened to kill you three
13 times.

14 A Yes.

15 Q And have you ever threatened to kill
16 anybody else?

17 A No, no.

18 MR. RADER: Wait a minute. He hasn't threatened to
19 kill anybody that I know of. What's this "anybody else"?

20 MR. ALLEN:

21 Q Well, you

22 MR. RADER: What's this

23 MR. ALLEN:

24 Q Have you ever threatened to kill
25 anybody?

1 A No, no. I was talking to my wife--I
2 know where you're going, Mr. Allen. I can tell you exactly
3 where you're headed. I was talking --

4 MR. RADER: Billy Joe, --

5 A I --

6 MR. RADER: -- just answer the question.

7 A I'll answer the question. No.

8 MR. RADER: You're going to have --

9 MR. ALLEN:

10 Q Have you ever threatened

11 MR. RADER: to wait till Molly --

12 MR. ALLEN:

13 Q anybody with serious

14 MR. RADER: gets back --

15 MR. ALLEN: 16 Q bodily harm?

17 MR. RADER: in here. Just a minute. Just time

18 out. I didn't hear that question. We can either wait for

19 Molly; or we can let me listen to the questions, one or the

20 other. So what's the question?

21 MR. ALLEN:

22 Q Have you ever threatened anybody with

23 serious bodily harm?

24 A No.

25 Q Never.

1 A No.

2 Q Never threatened to kill anybody.

3 A No.

4 Q Are you a member of any political

5 organization, any fringe organization, any white

6 supremacist organization?

7 MR. RADER: Wait a minute. That's three questions.

8 Which one do you want answered? 9

MR. ALLEN:

10 Q Are you a member of a white supremacist

11 organization? 12

A No.

13 Q Member of the Ku Klux Klan?

14 A I know of them now.

15 Q Pardon?

16 A I know of them now.

17 Q Are you a member of that organization?

18 A No.

19 Q American Nazi party?

20 A No.

21 Q Aryan Nation?

22 A I had to fight for this country. No

23 way.

24 Q Do you have any Ku Klux Klan regalia in

25 your closet?

1 A No.

2 Q No hoods?

3 A No.

4 Q No robes?

5 A No robes.

6 Q Do you believe in the superiority of

7 the white race?

8 MR. MELSON: I'm going to object to this.

9 MR. RADER: How is that relevant?

10 MR. MELSON: I mean, I don't know that this has got

11 a thing to do with anything but trying to oppress and

12 harass this witness in violation of Rule 26.

13 MR. ALLEN: Well, I --

14 MR. RADER: And Mr. Delaney is white. If he was a

15 black person, that might be relevant.

16 MR. MELSON: Right.

17 MR. ALLEN: I believe

18 MR. RADER:

19 Q Your family is not black, are they?

20 Your wife and mother is not black, are they?

21 A Are yours?

22 MR. RADER:

23 Q Or your stepfather?

24 A Are yours?

25 MR. RADER: Well, no. But, I mean, he's

1 raised ... he's asked this.

2 A Okay.

3 MR. RADER:

4 Q Did I

5 A I just

6 MR. RADER:

7 Q Did I ask you anything before?

8 MR. ALLEN: Mr. Rader, according to the rules, I

9 have the right to ask Mr. medley anything regarding

10 potential discoverable material.

11 MR. RADER: Well, how --

12 MR. ALLEN: Now, if you would like --

13 MR. RADER: If you can make ... if you can tell me

14 how --

15 [Ms. Cripps returns.]

16 MR. ALLEN: If you would like to get some kind of

17 protective order, be glad to, you know, hear it.

18 MR. RADER: You tell me how... you tell me ... you

19 know, you've asked him about the Aryan race and the Ku Klux

20 Klan. You tell me how black/white issues are relevant in

21 this lawsuit; and

22 MR. ALLEN: Any discoverable material.

23 MR. RADER: Well, how is that discover

24 MS. CRIPPS: How is that discoverable in this

25 MR. RADER: How is that going to lead to relevant

1 information? That's the question.

2 MR. ALLEN: Well, he has denied making threats of
3 serious bodily injury to people, that type of thing.

4 MR. RADER: Well, are you accusing him of making
5 threats to black people?

6 MR. ALLEN: we're going ... we're going to get into
7 that; and he, like I say, knows where he's going.

8 MR. RADER: Well, how is that relevant to the
9 issues about a water line on

10 MR. ALLEN: Any discoverable information.

11 MR. RADER: Well, how is that discoverable?

12 MR. ALLEN: I'll be glad to let you get a
13 protective order; but I have the right to ask him these
14 questions.

15 MR. RADER: Well, I'd like to understand. I'd like
16 for you... I call upon you to tell us how this can lead to
17 discoverable information that's relevant to this lawsuit.

18 MR. ALLEN: Well, because it's our position that
19 Mr. Medley has been an abusive political leader in his
20 time; and he abused --

21 A You are bad wrong there, Mr. Allen.

22 MR. RADER: You be quiet a minute.

23 MR. ALLEN: Go ahead and object; but I'm going to
24 try to ask him these questions.

25 MS. CRIPPS: I do. Note my objection, Mr. Allen.

1 And if you could--I understand that you're trying to assert
2 that this has been a policy of his, a practice.

3 MR. ALLEN: Right.

4 MS. CRIPPS: Could you go into a little more detail
5 with that before you go on with these questions?

6 MR. ALLEN: Okay.

7 Q Have you ever been arrested?

8 A Yeah.

9 Q What were you arrested for?

10 A Being drunk.

11 Q And when was that?

12 A Oh, well, I don't know. When the old
13 jail was down here, if you remember. He does, but I
14 don't . . . or I know you don't; because he wasn't around here.
15 Not the new one now.

16 Q You've never been arrested --

17 A Well, I was arrested... yes, I was; and
18 I'll take that back--here . . . oh, they sent me up here to
19 make a bond, \$1,000 bond. See if you can find it in there.

20 MR. DRAPER:

21 Q 1996? May of 1996?

22 A No. It was later than that.

23 MR. ALLEN:

24 Q Were you arrested in May of 1996 for
25 disturbing the peace at Upperman High School by Chief

1 Michael Smith?

2 A No. I was given a ticket.

3 You were given a ticket.

4 A Yeah.

5 But at that time, you went to Upperman

6 High School threatening to "shoot a nigger" and said you

7 had a .45 gun to do so. Is that right?

8 A Didn't have nothing. The school didn't

9 prosecute. The chief brought that up, him and Emil

10 Emerton; and they prosecuted the thing. They didn't hear

11 me make no threat. And I volunteered up here and paid my

12 dues up to this court up here; and that's the last you'll

13 get out of me about that. But if you continue on, then

14 I'll take the Fifth Amendment on you right here.

15 Q You pled guilty to that, though, didn't

16 you?

17 A Yeah, I pled guilty; and I paid off;

18 and that's the end of it.

19 Q \$25?

20 A Well, that's what they fined me.

21 MR. RADER:

22 Q Well, what was the charge? What was

23 the citation for?

24 A They said I threatened to kill a nigger

25 over there.

1 MR. RADER: Well, that's not a citeable offense.

2 Q What was the citation?

3 A That's not very excitable to me.

4 MR. ALLEN:

5 Q You --

6 A I pleaded guilty.

7 Q You were not charged with --

8 A Now let me repeat this again. You keep
9 on; and I won't answer n'ary n'other question you ask me.

10 MR. RADER: What was he charged with?

11 MR. ALLEN: Disturbing the peace.

12 A They ain't no such a law as disturbing
13 the peace.

14 MR. RADER: Well, you don't need to be --

15 A Well, I ain't quoting it --

16 MR. RADER: quoting the law any more than
17 Mr. Delaney did.

18 A like Delaney here, no.

19 MR. RADER: I know. But we need to clarify these
20 questions here.

21 Q Did you plead guilty to disturbing the
22 peace?

23 A I pled guilty to . . . I don't know what I
24 pled guilty to. They put it up to the grand jury and
25 brought it back down.

1 MR. ALLEN:

2 Q But you deny threatening to shoot a
3 young black man.

4 A [No response.]

5 Q Do you deny threatening to shoot a
6 young black man with a .45 gun?

7 A [No response.]

8 Q Would you answer the question?

9 A I won't answer no more. I told you
10 awhile ago I wasn't going to answer no more. I told you
11 exactly what happened and all I was going to tell you; and
12 that's all you're getting.

13 MS. CRIPPS: Mr. Allen, if this is the only incident
14 regarding to do that--I mean, are you going to be rattling
15 off several other incidents --

16 MR. ALLEN: Yes.

17 MS. CRIPPS: -- that he threatened other people?

18 MR. ALLEN: Yes. Do you have any objection to him
19 answering the question?

20 MS. CRIPPS: Dan, could I speak with you, please?

21 MR. RADER: Sure.

22 [Mr. Rader and Ms. Cripps leave room
23 and return.]

24 MR. RADER: What's the question?

25 MR. ALLEN:

1 Q Do you deny threatening to shoot a
2 young black man at Upperman High School on 5-24-96?

3 A Yes.

4 Q You did not?

5 A I did not.

6 Q You were cited by Chief Smith.

7 A Never did hear nothing. He was told.

8 Q He was told to do this.

9 A He told to do that by the former... the
10 ex-mayor down there.

11 Q And was this a time that the campaign
12 had already started?

13 A Now that, I can't answer you.

14 Q But you deny making that threat.

15 A Yes, I do.

16 Q But you pled guilty.

17 A I pled guilty.

18 MR. RADER: Wait.

19 MR. ALLEN:

20 Q Were you fined \$25 and court costs?

21 A Yes.

22 Q And that's the only punishment you got?

23 A I pled guilty; and I paid the court

24 costs and the

25 Did you have a firearm on the premises

1 of the school?

2 A I did not.

3 Q You weren't charged with a hate crime.

4 A No.

5 Q I'd like to make this an exhibit to

6 Mr. Medley's deposition.

7 MR. RADER: What is it?

8 MS. CRIPPS: May we see it first?

9 [Document passed to Mr. Rader and

10 Ms. Cripps.]

11 MR. RADER: Let the record reflect this is a

12 citation issued by the Baxter Police Department for

13 disturbing the peace.

14 [Citation for disturbing the peace

15 marked Exhibit 1.]

16 MR. ALLEN:

17 Q There was no witnesses for you making

18 this threat down at Upperman High School?

19 A I was talking to some people over the

20 telephone.

21 Q Oh, you didn't go down there?

22 A I was in the high school; but I was

23 talking to some people on the telephone. I don't know who

24 was listening; but I wasn't making no --

25 Q You were there at Upperman High School,

1 talking on the phone to some other people.

2 A Right.

3 But you believe that this charge was

4 politically motivated.

5 A Yes.

6 Q By Mr. Smith?

7 A Yes.

8 And Mr. Emerton?

9 A Yes.

10 Q And then when you were elected mayor in

11 August of '96, did you fire Mr. Smith?

12 A I did not. He quit.

13 Q Oh, he quit.

14 MR. RADER: Let me clear something up.

15 Q Were you an official of the City of

16 Baxter when this citation was issued?

17 A No.

18 MR. RADER: All right. Go ahead. I'm sorry. I

19 was confused. Go ahead.

20 MR. ALLEN:

21 Q And you were elected Mayor of the Town

22 of Baxter in 8-96.

23 A Right.

24 Q And is this going to be your last stint

25 in politics?

- 1 A I doubt it.
- 2 Q So you're going to run for re-election.
- 3 A I hope I do. Hope I live long enough.
- 4 Q Did you pay anyone to vote for you in
5 that election, August of '96?
- 6 A I don't think so.
- 7 Q Pass out any election whiskey?
- 8 A No. I drank all that myself,
9 Mr. Allen.
- 10 Q What was your margin of victory?
- 11 A I don't have no idea. The only thing I
12 know, the man went away crying when he got beat. That's
13 the only thing I know.
- 14 Q This was not Mr. Emerton?
- 15 A No. This was Mr.
16 Was it Issom Keith?
- 17 A Keith.
- 18 Q And on the evening of the election in
19 August of '96, did you make any offensive racial slurs to
20 elderly ladies --
- 21 A I did not.
- 22 Q at the Senior Citizens
23 A I --
- 24 Q Center?
- 25 A did not. I did not.

1 Q Did you go to the regular meeting of

2 the Baxter City Hall on August 8, 1996?

3 A Don't remember.

4 Q Do you recall --

5 A August 8, '96. No, not as I know of.

6 Q Do you recall Mayor Emerton presenting

7 a resolution condemning you for --

8 A No, I know I didn't go. Now I can

9 answer your question. No. No, I didn't go.

10 Q -- for making racial slurs to senior

11 citizens on election night?

12 A No.

13 Q You deny doing that?

14 A I deny doing that.

15 Q Did you have any contact with a

16 gentleman down there named Henry Malliet? Do you know him?

17 A The colored man?

18 Q A black man.

19 A Black man. Yeah. He worked for the

20 senior ... or goes to the senior citizens down there.

21 Q Did you make any racial slurs

22 A I did not.

23 Q -- involving him?

24 A I did not.

25 Q But you are aware that the city council

1 condemned you for this?

2 A No. I didn't know it till Delaney

3 brought it up here.

4 Q You don't know that Ms. Ruth Crislip

5 made a motion to pass this resolution, --

6 A I did not.

7 Q -- seconded by Alderman McBroom?

8 A McBroom?

9 Q Do you recognize that?

10 A Now this was before my time. McBroom

11 was in the other administration.

12 Q I think this was an outgoing council.

13 A Outgoing, yeah. And Wilhite come in

14 the same time I did; so I don't know anything about this.

15 No.

16 Q Is that the official minutes?

17 A August 8, 19 ... regular meeting, city

18 hall. I don't see no signature on the bottom of it here.

19 Q But is that usually the way that the

20 minutes are written up?

21 A Yes.

22 [8-8-96 Minutes of mayor/aldermen

23 meeting marked Exhibit 2.]

24 A Ninety six point ... dash six, I don't

25 remember. Sexual harassment? Oh, no. That's sickening.

1 That's absolutely sickening.

2 MR. DRAPER: It's only what's in the highlighted

3 portion.

4 A The rest of it is, too.

5 MR. ALLEN:

6 Q But you deny making those racial slurs.

7 A I didn't make it.

8 Q And you didn't make any racially

9 offensive remarks toward Mr. Malliet.

10 A I did not.

11 Q Or toward the ladies that work there?

12 A Nor the ladies that work there.

13 Q Did you ever threaten to kill Mr-Emil

14 Emerton?

15 A No.

16 Q At the Wagon Wheel Restaurant?

17 A Lord, no. Used to be a good friend of

18 mine but he turned me in for making moonshine, which I

19 never did make no moonshine.

20 Q Were you charged with making moonshine?

21 A No.

22 Q When did he turn you in for that?

23 A Back two or three months before ... say a

24 year. You don't have it. I'm just giving you a little bit

25 of free information here that you don't have.

1 Q You were never arrested for making
2 moonshine.

3 A No. Then I didn't threaten to kill

4 Mr. Emerton. He used to be -

5 Q Didn't threaten to kill Mr. -

6 A No. He used to be a friend of mine.

7 Q What ever happened to Mr. Emerton?

8 A He's laying over here in the bed,

9 waiting to die.

10 Q He had a stroke or something?

11 A Yeah.

12 Q And you deny making the racial slurs to

13 the ladies

14 A Yes, I do deny it.

15 Q Now when you went to Upperman High

16 School, what were you doing at Upperman High School that

17 day?

18 A They told me my granddaughter was

19 skipping school, is what I was doing over there. It was

20 next to the last day of school; and that's what I was going

21 to see, if she was skipping school.

22 Q And did you talk to any of the

23 officials down there except on the phone?

24 A No, no, no. I might have talked to

25 Shanks. I don't know. But I don't think so. The other

1 assistant principal was in there. No, I didn't.

2 Q Did you talk to Mr. Covington?

3 A There you go. That's the man. Yes, I
4 talked to him.

5 Q And did you talk to any of the other
6 teachers?

7 A Don't think so.

8 Q You don't remember who you talked to on
9 the telephone that time?

10 A Yes, I do; but I'll not tell you.

11 Q Was it someone connected with the
12 accusations?

13 A No.

14 And back on 6-20-98, did you have an
15 argument with Mr. Fred Helsley --

16 A I did.

17 Q -- in which you accused him of
18 operating a whore house?

19 A I did. I've got proof of that. I got
20 officers in the court up here that I can prove it by; but
21 I'm not telling you who they are.

22 Q And then you struck Mr. Helsley in the
23 face with your hand?

24 A I hit him on the arm. I didn't hit him
25 in the face. I wished I had. If I'd seen a ash tray, I'd

1 have hit him with it.

2 Q And why did you want to hit him?

3 A He jumped like ... just like me and you

4 sitting right here--now you ladies will have to excuse me

5 for this--and called me a God damn liar and stuck his

6 finger right up in my face. And when he did, I threwed the

7 damn telephone at him.

8 Q And you hit him with the telephone?

9 A I hit the police with the telephone. I

10 didn't hit him.

11 Q And that took place in front of

12 Mr. Wilhite.

13 A Jeff was there.

14 Q And he witnessed this.

15 A Jeff did.

16 Q You definitely hit him.

17 A With my fist or the telephone?

18 Q With a fist.

19 A I don't think so. I hit him on the

20 wrist with my fist.

21 Q You didn't strike him in the face.

22 A No.

23 Q And he was asking for a business

24 license.

25 A Right. Let me give you--no, I won't

1 volunteer you no information. No, no, no.

2 Q So you threw a telephone at Mr. Helsley

3 and hit Officer Davidson with it.

4 A Right. You ought to have a police

5 report in there.

6 Q And this warrant that he swore out

7 against you: --

8 A Right.

9 Q -- "Fred E. Helsley went to City Hall

10 in Baxter with Officer Ken Davidson and Baxter Alderman

11 Jeff Wilhite to discuss getting a license for his business

12 with Joe medley. An argument developed; and Mr. Medley

13 struck Mr. Helsley in the face with his hand and attempted

14 to hit him with a telephone, causing him to fear serious

15 bodily harm." Is that correct? 16 A Didn't cause him no serious bodily

17 harm.

18 Q You were charged with assault?

19 A That's what they charged me with.

20 That's where I was trying to think have I been in court up

21 here.

22 Q Is this report accurate?

23 MR. RADER: Well, I object to that. That doesn't

24 like a report to me. That doesn't look like a report.

25 MS. CRIPPS: Yeah. This is

1 MR. ALLEN:

2 Is the warrant accurate?

3 MS. CRIPPS: This is a warrant.

4 A This is not General Sessions Court.

5 MR. ALLEN:

6 Q You've not been tried on that charge

7 yet, have you, Mr. Medley?

8 A No. It's pending in court.

9 Q And you've got a trial date set?

10 A Thirteenth of May.

11 [Warrant signed by Fred Helsley

12 marked Exhibit 3.1

13 Q You recall having a confrontation with

14 Mr. Emil Emerton at the Wagon Wheel Restaurant?

15 A No.

16 Q Never did?

17 A No.

18 Q Defendant Medley, how do you know

19 plaintiff Mr. Dale Delaney? How did you come to know him?

20 A Come up there and made a statement for

21 him with you, the saddest mistake that I've ever made in my

22 life, on that road down there.

23 Q How was that a mistake?

24 A I shouldn't have never done it.

25 Q Well, I understand. But –

1 A That was the worst ... you know when you
2 make a mistake? That's one I made right there.

3 Q But had you known him before that?

4 A About a week.

5 Q You'd never had any contact with him
6 before that.

7 A No.

8 Q And he approached you?

9 A Yes, he did.

10 And what did he ask you?

11 A Asked me did I know where the road was
12 down there; and I told him I did, where it used to be.

13 Q So you knew where the old road was.

14 A I was. And he brought me up there; and
15 I made a affidavit in front of you.

16 Q And you agree with that affidavit?

17 A I'll still agree with that affidavit;
18 but that's the worst mistake that I ever made in my life,
19 was when I done that.

20 Q I understand. But the affidavit that
21 you made that day was true and correct.

22 A Best of my ability, best of my
23 recollection, is true and correct.

24 Q And that's where that old road was.

25 A That's where that old road was.

1 Q And YOU recall that from Your boyhood,

2 I guess.

3 A Do what?

4 Q YOU recall that from Your boyhood?

5 A Yes. Oh, no, not MY boyhood. My

6 boyhood was down at Silver Point.

7 Q But, I mean, you remember it

8 A Yes.

9 Q – ever since --

10 A Years.

11 Q YOU was a boy.

12 A Years. Yes. Up in years. And there

13 was two girls lived up there, too.

14 Q And You've only known him then for a

15 couple of years.

16 A That's right. And the worst two years

17 I've ever seen in my life.

18 Q Do you consider him a friend of Yours?

19 A No.

20 Q Do you have any opinion as to his

21 honesty and character?

22 A Don't ask me that. Don't ask me to

23 answer that.

24 Q You don't have an opinion.

25 A No, I don't have none. I won't give

1 you one.

2 Q Well, do you think he's a pretty honest

3 fellow?

4 A I told you I wouldn't answer it.

5 Q What is your recollection regarding

6 this controversy over a water meter?

7 We provide a service. I've heard him

8 make two correct statements since I've been sitting here

9 this morning. A \$465 statement he made, that's correct.

10 That's what they charge you to hook onto the water. They'd

11 already got a easement. They's two easements in here that

12 put his water in there. You've hooked to it, Dale. You're

13 hooked to that line that goes down through there.

14 Q Were you mayor at that time?

15 A No, no, no, no. I was mayor when they

16 put that last meter in down there. I guess Emil was mayor –

17 I don't know – when they put the other water in.

18 Q How do you have knowledge of when they

19 put the water meter in for him if you weren't mayor?

20 A No, I don't . . . I have what they told me

21 was the knowledge. That's hearsay, which I won't tell you

22 that either. What I tell you, Mr. Allen, sitting there is

23 the truth. I won't lie to you. I'll tell you the truth

24 about anything, except some things that I won't tell you.

25 Q Why don't you want to tell me that,

1 Mr. Medley?

2 A Well, I'm not going to tell you that
3 after you've sat here and listened to that man all day and
4 you want me to give you an honest answer to that man? I
5 don't think you want no honest answer out of me.

6 Q Certainly.

7 A No. Not from me you don't.

8 Q Well, what is your honest opinion of
9 Mr. Dale Delaney?

10 A I don't have no honest opinion of him.

11 Q While you were Mayor of the Town of town of
12 Baxter, do you recall reading a temporary restraining order
13 signed by Chancellor Vernon Neal?

14 A After we'd set the meter.

15 Q After you set the meter.

16 A Yes.

17 Q Do you remember talking to Mr. Delaney
18 on that Wednesday, Wednesday before Labor Day?

19 A Don't think so.

20 Q You don't recall talking to him?

21 A I don't recall that.

22 Q When did you make the statement that,
23 "I'm laying for you, Dale"?

24 A I don't think that I made the
25 statement. He's got it on tape. Page

1 Q You don't think that's your voice?

2 A Well, I won't deny my voice; but I also
3 told him I wasn't laying for him; I was making him a 4 promise.

5 Q And what was your promise to him?

6 A The promise if he took that meter out
7 of the ground, I was going to put him in jail; and that's
8 exactly where I put him.

9 Q So what was the grounds for you wanting
10 to put him in jail?

11 A That's city property. If I'd have took
12 it out, they'd have put me in jail.

13 Q For what charge?

14 A Stealing. That's stealing.

15 Q And you still believe it's stealing?

16 A Yes, I do. If I come over to your
17 house and steal your car tonight and bring it back
18 tomorrow, is that stealing?

19 Q What do you think?

20 A I know exactly what it is. It's
21 stealing.

22 Q Wouldn't that regard whether you
23 intended to bring it back tomorrow or not?

24 A That's not the thing of it. I don't
25 have no intention of bringing it back tomorrow if I take it

1 tonight.

2 Q But you might.

3 A No, no.

4 Q Now while you were promising –

5 A After I talked to Mr. Draper there, I

6 called Dale Bohannon.

7 Q Um-hum [affirmative response].

8 A And Dale Bohannon told me, he said,

9 "Joe, you leave the meter where it is." And that's where

10 the meter is today, is where it is.

11 Q In Mr. Delaney's complaint that he

12 filed against you --

13 A Yeah.

14 Q -- and the town,

15 A Right.

16 Q -- Mr. Wilhite,

17 A Right.

18 Q -- do you recall seeing this complaint?

19 A I don't know what you're talking about.

20 If I see it and read it, then I'll

21 Q Do you recall that complaint,

22 Mr. Medley?

23 A No, I've not seen this one I don't

24 think. No. This is the first time I've seen it.

25 Q You were not served with that

1 A Unless you served it when you served

2 all those papers. Did you serve that in those papers?

3 Q Yes, sir.

4 A I didn't read them. I stuck them in

5 the drawer. Now that's how much I thought of it. I put

6 them in the drawer.

7 Q Why did you put it in the drawer?

8 A Just because I wasn't going to read it.

9 Q So you never did read this.

10 A No, I didn't read it; and I've not read

11 it today.

12 Q Has Mr. Rader gone over this with you?

13 A Nobody has went over this with me.

14 Q In Mr. Delaney's complaint,

15 Paragraph 13, he says, "At first, the mayor was very angry

16 and abusive toward the plaintiff, Mr. Delaney." Do you

17 deny ever being angry and abusive toward him?

18 A I wasn't angry. I ain't never been

19 angry and abusive toward that man right there. He just

20 sits and lied to you if he said that in that paper.

21 Q And you said: "I'm going to put you in

22 jail, Dale," or words to that effect. And, "I'm laying for

23 you, Dale. I'm making you a promise; I'm going to put you

24 in jail." Did you tell him that?

25 A Well, is that a threat?

1 Q Did you make that statement?

2 A Is that a threat?

3 Q I'm asking you if you made that
4 statement?

5 A No. Why, yeah, I made the statement.

6 Now is that a threat?

7 Q Here on your answer to this complaint,

8 Paragraph 13, you deny that, don't you, Mr. Medley?

9 A If it's on there ... on it, I denied it.

10 Q So you deny that.

11 A Denied 13.

12 Q Here's 13.

13 A Yeah, I denied it. According to this
14 here, I have.

15 Q So you denied that. That was a
16 statement that you made. You denied making that promise,
17 making that threat.

18 A I made him a promise.

19 Q That you was laying for him. What do
20 you mean by, "I'm laying for you"?

21 A I didn't tell him I was laying for him.

22 Q You didn't tell him that?

23 A No.

24 Q So the words on that tape is not
25 correct.

1 A Well, if he's got it on a tape ... if he
2 says that I was laying for him on that tape, play your
3 tape. Let's hear it.

4 Q You've not had a chance to review that
5 tape?

6 A No, I've not had no chance. It's like
7 some of this other stuff you'nse is supposed to have.

8 Q And Mr. Rader didn't ... Ms. Cripps
9 didn't play it for you?

10 A She sent me a

11 MS. CRIPPS: Transcript.

12 A -- transcript of it.

13 MR. ALLEN:

14 Q And you deny that being your words on
15 the transcript?

16 A I read some of them, but I don't
17 remember reading a 13.

18 MR. ALLEN: I'd like to admit these two documents
19 as exhibits.

20 [Complaint marked Exhibit 4.1]

21 [Answer marked Exhibit 5.1]

22 MR. RADER: The record needs to reflect, because I
23 don't believe this was ever read, that No. 13 says: "At
24 first, the mayor was very angry and abusive toward the
25 plaintiff, saying, "I'm going to put you in jail, Dale," or

1 words to that effect. And, "I'm laying for you, Dale. I'm
2 making you a promise; I'm going to put you in jail."

3 MR. MELSON: That's what he read.

4 MR. DRAPER: That's what he read.

5 MR. ALLEN:

6 Q And you deny that. You deny making
7 that statement to Mr. Delaney.

8 MR. RADER: No. That isn't the question,
9 Mr. Allen. The allegation is: "At first, the mayor was
10 very angry and abusive toward the plaintiff"; and I believe
11 that's what he's denying if you'll remember.

12 MR. ALLEN:

13 Q You're not denying making those
14 statements.

15 A No. But I wasn't abusive to him; and I
16 wasn't ill at him.

17 Q But you told him you was going to put
18 him in jail.

19 A He's got it right there.

20 Q And you admit threatening to put him in
21 jail.

22 A I don't admit nothing.

23 Q Did you say you was going to put him in
24 jail?

25 A I did not.

1 Q You never did tell him that.

2 A No.

3 Q Never did tell him you was laying for
4 him.

5 A No.

6 Q So the transcripts that Ms. Cripps
7 provided were for ... is not correct.

8 A Yes, it is. If she wrote it, it is.

9 I'll take Ms. Cripps' word for it.

10 Q Did you threaten to put him in jail or
11 promise to put him in jail?

12 A I promised to put him in jail. I
13 didn't threaten to put him in jail.

14 Q On the charge of stealing?

15 A Stealing.

16 Q Had he stole anything at that time?

17 A Well, I anticipated him stealing it.

18 He said he was going to take it.

19 Q Did you tell him that it would be okay
20 if he took it out of the ground?

21 A I did not.

22 Q And you never did tell him –

23 A I did not.

24 Q -- that you was going to send a crew to
25 get it?

1 A I did not. I told him if it was on his
2 land, then I would send a crew and take it out; and Dale
3 Delaney said, "Leave the meter right where it is." Not
4 Dale Delaney, but Dale Bohannon. Dale Bohannon said,
5 "Leave it right where it's at, Joe." Call him. And he's
6 the city attorney.

7 Q Now you were talking to Mr. Delaney and
8 you were dealing with Mr. Delaney in your capacity as Mayor
9 of the Town of Baxter.

10 A Right.

11 And you thought you had the authority
12 to make the arrest of Mr. Delaney.

13 A I got the authority from that gentleman
14 right over there and Jim Hudkins to get a warrant to have
15 Dale Delaney arrested.

16 Q Did you talk to Ruth Crislip about
17 taking a warrant out for him?

18 A I don't think so.

19 Q How come you didn't approach her?

20 A I didn't see her. If I'd have seen
21 her, I would have. I don't run around to their house.

22 Q Did you talk to Skip Harville.

23 A I didn't talk to Skip Harville either.

24 I found Jim Hudkins and Jeff Wilhite down at Stafford's
25 when I went down there on Sunday morning; and I asked

1 them... the sheriff is the one said take the warrant out for
2 him for theft.

3 Q This is on Sunday?

4 A Monday. Labor Day.

5 Q So you approached Mr.

6 A They was there. They was already

7 there, talking to Mr. Stafford.

8 Q They were there. Where?

9 A Down in James Stafford's yard.

10 Q Did you see them at city hall that day?

11 A Did I see them at city hall?

12 Q Um-hum [affirmative response].

13 A No. That's a holiday. That's Labor

14 Day.

15 Q You weren't working that day?

16 A No. They come and got me.

17 Q Who came and got you?

18 A Don Hall, I think, come and got me.

19 Q Where were you that day, Mr. Medley?

20 A I was at home. It was about nine

21 o'clock in the morning.

22 Q You signed a criminal complaint on

23 September 1, 1997, in which you accused him of stealing a

24 water meter.

25 A That's right. A man, Mr. Wheeler,

1 wrote the warrant.

2 Q And you made that in your capacity as

3 Mayor of the Town of Baxter.

4 A I made it on the authority of them two

5 fellows right there--Mr. Hudkins, Mr. Wilhite--and myself.

6 Q What did Mr. Hudkins tell you?

7 A Go over and get a warrant for him for

8 theft just like that man right there said, go get a

9 warrant.

10 Q So they both told you to get a warrant

11 for theft.

12 A Get a warrant for him for theft. And I

13 made the third one. It takes three. It takes three to get

14 a warrant; so I made the third one. You have to have

15 three.

16 Q Did Mr. Hudkins go down?

17 A Go down where? He was already there.

18 Q Did he go down and make a warrant out

19 for Mr. Delaney's arrest?

20 A Down where? Where are you talking

21 about?

22 Q Down at the courthouse or down at the

23 General Sessions ... down at the jail?

24 A No, no.

25 Q Did you go down there?

1 A I did

. 2 Q Mr. Wilhite, did he go down to make --

3 A No.

4 Q -- the affidavit of complaint? You

5 did?

6 A I did.

7 Q In your capacity as mayor.

8 A Yes.

9 Q You didn't do it as Billy Joe medley,

10 individual citizen.

11 A No.

12 Q And you went down to Martin Wheeler.

13 A I guess that's his name, Wheeler.

14 Q And on September 1, 1997, "Theft,

15 to wit, by Dale Delaney, taking a water meter valued at

16 \$465'1 --

17 A No. No.

18 Q No, what?

19 A That's wrong.

20 Q What's wrong?

21 A That right there is. That's not right.

22 The water meter is \$37.50. To put that water meter in is

23 \$465. 24 Q "A water meter valued at

25 \$465,' --

1 A No. No. He's just got it wrong.

2 Q -- "belonging to the City of Baxter."

3 A Right.

4 Q "And Dale Delaney did so without the
5 effective consent of the rightful owner in Putnam County,
6 Tennessee."

7 A Right.

8 Q You signed this Billy Joe Medley.

9 A Right.

10 Q Mayor of Baxter.

11 A Right.

12 Q But you deny that the water meter was
13 valued at \$465.

14 A I do.

15 Q Mr. Wheeler put that in on his own
16 volition.

17 A He asked me how much it cost me to put
18 it in, how much the people paid to put it in. That's the
19 price of the fee for taping the line, is \$465. The meter
20 is \$37.50.

21 Q What else did Mr. Wilhite tell you
22 concerning this --

23 A Just told me to get a warrant for him
24 and put him in jail.

25 Q Did he say he'd gone down there

1 Saturday night?

2 A He didn't tell me. I didn't ask him.

3 Q Did he tell you that Mr. Delaney

4 intended to return the meter?

5 A No.

6 Q He didn't tell you that?

7 A No.

8 Q Had you known that, would that have

9 made a difference in whether you swore out the warrant or

10 not?

11 A It would have made a difference if

12 they'd have told me not to go get the warrant. That's what

13 would have made the difference.

14 Q If, in their opinion, --

15 MR. RADER: Let's just quit using indefinite

16 pronouns. Identify the people you're talking about.

17 A Who?

18 MR. ALLEN:

19 Q -- in Mr. Wilhite and Mr. Hudkins' opinion

20 there was no need for a warrant, you wouldn't have

21 taken it out.

22 A No, I would not.

23 Q And it wouldn't have mattered in your

24 mind whether or not Mr. Delaney intended to return it to

25 the Town of Baxter.

1 A That's true. The sheriff would have
2 done seen that he returned it to the City of Baxter.

3 The Sheriff did see that.

4 A He brought it back and give it to the
5 sheriff. He just stated that.

6 Q And did you know that he had taken
7 yours back and given it to the sheriff?

8 A Yes, I did.

9 Q And this was after the sheriff received
10 it?

11 A After the sheriff had left from down
12 there.

13 Q Did you go get a warrant after --

14 A After the sheriff left.

15 Q And you'd known that he'd bringed it
16 back then.

17 A I didn't know. They said it was there.

18 I didn't see it. I didn't go down there where --

19 Q But the sheriff told you that he'd
20 brought it back.

21 A Sheriff, no, no, no, no, no, no, no.

22 The sheriff didn't tell me anything.

23 Q Did you talk to the sheriff?

24 A I talked to the sheriff later, not that
25 day.

1 Q Not that day.

2 A No.

3 Q You state in your answer to

4 interrogatories--do you recall these?

5 A Which one are you talking about?

6 Q All of them.

7 A All of them?

8 Q Um-hum [affirmative response].

9 A Yes. The first one is yes.

10 Q Are those answers accurate?

11 A Yes.

12 MS. CRIPPS: Well, take your time and look through

13 them.

14 A I'm going. On the third one, it's yes.

15 MR. ALLEN:

16 Q Do you recall seeing those before?

17 A Yeah, I've seen these. Jeff Wilhite,

18 alderman, I talked to him. Jim Hudkins, I talked to him.

19 James Stafford, I talked to him. All A, B, C... and C is

20 all yes.

21 Q What did you tell Mr. Hudkins about the

22 situation with Mr. Delaney?

23 A I didn't tell Mr. Hudkins anything. I

24 just ask Mr. Hudkins and Wilhite did they want a warrant

25 for Delaney's arrest.

1 Q And was that in context with their

2 position as Aldermen of the City of Baxter?

3 A That's exactly right.

4 Q This was not their position as private

5 citizens that they thought this.

6 A No, no.

7 Q Did Mr. Hudkins tell you anything about

8 what Mr. Delaney had told him?

9 A He didn't say a word.

10 Q Mr. Wilhite didn't tell you anything

11 about what Mr. --

12 A He didn't say a word.

13 Q -- Delaney had told him?

14 A He didn't say a word. I didn't ask

15 them. 16 Q You just asked them for a warrant?

17 A I just asked them did they want to take

18 a warrant for Delaney for taking a meter.

19 Q And they both told you yes?

20 A Yes, go get a warrant for his arrest.

21 Q Why didn't you go to Mr. Richard

22 McBroom?

23 A Who?

24 Q Mr. McBroom.

25 A Who is that?

1 Q Wasn't he an alderman at that time?

2 A No. No, sir.

3 Q Skip Harville wasn't an alderman at
4 that time?

5 A He did. I didn't even know where Skip
6 was. Well, them two was right there. Why should I go
7 anywhere?

8 Q Right there at city hall.

9 A No. Right down there at Stafford's,
10 right beside of where they took the meter out. Why should
11 I go to Baxter and hunt up two people?

12 Q Well, if you were maybe thinking about
13 getting approval from the other two alderman.

14 A I don't need approval but from two of
15 them. I make the third one.

16 Q So just in case that you have a town
17 meeting that if you've got two voting to take a warrant for
18 Mr. Delaney and two oppose it, you cast the tie breaker.

19 A The tie breaker. If I want to vote for
20 him to arrest him, I'll vote for him. If I don't, then I
21 don't vote.

22 Q But this meeting was outside the
23 regular business meeting of the Town of Baxter.

24 A It wasn't on no town --

25 MR. RADER: I object to the form of that question.

1 A You'll have to go back again somewhere.

2 MR. ALLEN:

3 Q You didn't go to the town council to
4 get approval to arrest Mr. Delaney.

5 A No, no. I did not.

6 Q This conversation took place outside
7 that scope.

8 A Right. It was on Labor Day.

9 Q What did Sheriff Abston tell you
10 about --

11 A I didn't talk with the sheriff till
12 later, two or three days after that.

13 Q This was after you got the warrant?

14 A Yes, two or three days later.

15 Q But you knew that the sheriff had gone
16 up there and got that water meter.

17 A I know he went down there and told
18 Delaney to go get it.

19 Q Did you know that Mr. Delaney brought
20 it back to the sheriff?

21 A He brought it back over to the sheriff.

22 Q And did the sheriff bring it back?

23 A I don't know where the sheriff put it.

24 I don't know where they put it at. I didn't go down to
25 where --

1 Did the town recover it that day?

2 A Yes, they did.

3 MR. RADER: You're talking over each other.

4 MR. ALLEN:

5 Did the town recover the water meter on

6 Labor Day?

7 A Yes.

8 Q Before you took the warrant for

9 Mr. Delaney.

10 A Yes, sir.

11 Q Now Mr. Johnny Jared had another water

12 meter put in that young lady's ... to hook her water line.

13 Is that correct?

14 A The one that he took out.

15 Q Did he have another one in addition to

16 that in the truck that day?

17 A I don't think so. He might have. They

18 generally always carry one or two or three in the truck

19 with them. Now whether he had one or not, I don't know.

20 Q What time did you go down to that

21 Friendly Road property?

22 A About ten o'clock.

23 Q Did you see Mr. Delaney that day?

24 A Sitting over in his yard with his

25 camcorder.

1 Q And did you see Mr. Stafford that day?

2 A I did.

3 Q What kind of documents did you pick up
4 from Mr. Stafford?

5 A I didn't pick up any documents from
6 Mr. Stafford. I just looked at his survey mark and looked
7 at his deed.

8 Q And what did that convince you?

9 A It just showed me where the line went.
10 That's all there was ... and how much property he owned
11 there.

12 Q Now you heard Mr. Delaney testify that
13 you went down there prior to that day and marked off his
14 property. Is that right?

15 A We went down there and stepped it off;
16 and according to where it is--the meter is still sitting in
17 the same place--and if Stafford owns that piece of
18 property, the meter is sitting on Stafford.

19 Q But you went down there and walked it
20 with Mr. Delaney.

21 A I went down there and we stepped it
22 off.

23 Q And did you believe at that time that
24 was Mr. Delaney's property?

25 A No.

1 You thought it was Stafford's property?

2 A I thought it was Stafford's property.

3 I couldn't see how Mr. Delaney got across the road.

4 Q Did you see Johnny Jared out there that
5 day, on September 1?

6 A He come after I called him to come down
7 there and put that meter back in.

8 Q Did you talk to him that day?

9 A No. Just called him on the telephone,
10 got his telephone. Went home and used my own telephone and
11 called him and told him to go back down there and put the
12 meter back in that Dale had taken out.

13 Q And do you deny telling Mr. Delaney
14 that you would send somebody down there to get the water
15 meter?

16 A No. I don't deny it. If it had been
17 on Dale's place, I would have if it was proven; but Dale
18 Bohannon told me to leave the meter as is.

19 Q When did you talk to Mr. Bohannon?

20 A That same day.

21 Q September 1?

22 A The day that the question ... Friday or
23 whenever the meter come up. And he told me to leave the
24 meter as is; so I left it where it was.

25 Q Did you contact Mr. Delaney and tell

1 him you wouldn't be there?

2 A No.

3 Q You don't recall if the work crew had

4 an extra meter on the truck that day.

5 A No, I don't. But like I said a minute

6 ago, they generally carry two or three with them when they

7 go.

8 Q Did you know that Mr. Delaney had

9 planned to remove the meter from his property he believed

10 to be his?

11 A I had a sneaking feeling he was going

12 to do it.

13 Q Why did you have a sneaking feeling?

14 A I don't --

15 Q What was the basis for it?

16 A -- know. You have one of those things

17 that tells you that --

18 Q Intuitively.

19 A Yeah, that something is going to

20 happen, you know, that

21 Q Did you know that he planned to remove

22 the meter on the land that he believed to be his?

23 A I had a sneaking feeling that ... no, I

24 didn't know that he had ... would do that. But I ... you know,

25 in my thoughts, I figured he would.

1 Q What time did you swear out this

2 warrant?

3 A About ten o'clock, ten-thirty,

4 something.

5 Q So you left Friendly Road.

6 A And come straight up to the courthouse

7 and had to call Mr. Wheeler in, you know. Had to call in a

8 man to write the warrant because there wasn't one there.

9 it --

10 Q Did you go

11 A was on

12 Q back to

13 A a holiday.

14 Q Friendly Road after that?

15 A I went back down there, yes.

16 Q What time did you go back down there?

17 A Well, whatever time after I got the

18 warrant and got it in. I'd say it was around twelve

19 o'clock, close to twelve.

20 Q Did you talk to Mr. Jared after you got

21 back at twelve?

22 A He was there in his truck. I just

23 spoke to him. I didn't say anything to him.

24 Q Did you talk to Mr. Wilhite?

25 A I didn't talk to anybody. I just went

1 down --

2 Q Why did you go back down to Friendly

3 Road?

4 A I just went down there to see if Johnny

5 had got there to put the meter back in; because the boy was

6 digging; and he was almost there then. That's all I went

7 back for. We provide a service, Mr. Allen.

8 A I understand.

9 A And it's my job to see that these

10 people gets that service. It would be my job, if you

11 applied for a meter, to see that you got it.

12 And you went down there to make sure

13 that meter was put back in.

14 A I went down there to make sure that

15 that meter was put back in; and I would have done the same

16 thing if it had been your meter. It's a service that we

17 provide. You can't ... you want this back or you want it

18 here?

19 Q I'll take it back. Thank you.

20 Mr. Medley, what is your definition of a theft offense?

21 A Taking something that don't belong to

22 you.

23 Q Now what if he took it and give it back

24 to you?

25 A He can't take it and give it back to

1 me. 2 Q Because you won't accept it.

3 A I wouldn't accepted it. If he'd have
4 brought it up there to city hall, I wouldn't accepted it.

5 Q But since he gave it to the sheriff,
6 you took it.

7 A Well, the sheriff set it down there.

8 Q And the city recovered it.

9 A City recovered it.

10 Q And put it in.

11 A Right. And I reckon it's still in
12 there as far as I know.

13 Q Did you notice a concrete casing there?

14 A It was gone when I was down there the
15 first time.

16 Was it there when you got back?

17 A I think so.

18 Q Do you now understand, Mayor, that
19 Mr. Delaney was not guilty of a theft offense?

20 A No, I don't. I don't know how he got
21 out of it. I'd like to get out of it myself.

22 Q Do you now realize you made a terrible
23 mistake

24 A No, I didn't make no mistake. I'd do
25 it again.

1 Q -- when you swore out this warrant?

2 You would have done it again.

3 A I would do it again.

4 Q And did you also charge Mr. Delaney

5 with vandalism?

6 A Yes, I did.

7 Q And what is your understanding of

8 vandalism?

9 A Taking something that belongs to ... or

10 tearing down something. Destroying is more of a good word,

11 I guess, of putting it.

12 Q Was this water meter destroyed?

13 A Well, it wasn't in place where we put

14 it.

15 Q But was it destroyed?

16 A No, it wasn't destroyed.

17 Q So your understanding of the crime of

18 vandalism was destroying some property that don't belong to

19 you.

20 A Taking something that don't belong to

21 you is destroying to me.

22 Q That's a theft offense or vandalism

23 offense?

24 A Well, both of them. You can count them

25 both the same thing.

1 Q Did you swear out a warrant charging

2 Mr. Delaney with the crime of vandalism?

3 A Yes, I did.

4 Q And when was that?

5 A Lewis Coomer ... the same day that

6 they ... when did they? Same day they turned him loose, I

7 guess.

8 Q So this was also on Labor Day?

9 A They didn't have no trial on Labor Day.

10 Q No. The same day they turned him

11 loose--they turned him --

12 A Yeah.

13 Q -- loose on

14 A Yeah.

15 Q -- Labor Day.

16 A In court up there.

17 Q And you heard that he testified that he

18 was --

19 A I heard that they was going to turn him

20 loose. I don't know how it got out in court they was going

21 to turn him loose; but anything can go on in that court

22 over there.

23 Q Yes, sir, I understand.

24 A Yes, I do understand.

25 Who indicated --

1 A Don't ... you're going too far. I won't
2 tell you.

3 Q But somebody indicated that they was
4 going to turn him loose that day.

5 A That's exactly right.

6 Q And you said, "I want to charge him
7 with vandalism, too."

8 A That's exactly right.

9 Q And you went to Mr. Lewis Coomer.

10 A Yes, I did.

11 Q And you swore out a warrant charging
12 him with vandalism.

13 A Vandalism.

14 Q And you were very unhappy when he got
15 turned loose that day.

16 A Yes, I was, which I would have been if
17 you'd have been down there and turned loose. Very unhappy.
18 And I was also unhappy with the grand jury up there. Never
19 seen a grand jury discharge all of its people except two
20 people to hear a case.

21 Q Let me ask you this: When did you go
22 to the grand jury, Mr. Medley?

23 A I don't even remember.

24 Q Was it after November?

25 A I don't know. I won't even hazard no

1 guess.

2 Q Did you ask to go to the grand jury

3 that day?

4 A No. They said they'd send me word when

5 to come.

6 Q And did they do that?

7 A They did.

8 Q Who was the chairman of the grand jury

9 that day?

10 A He is--and that's something else I

11 don't understand that ... why they done it. They've got a

12 man that's a permanent foreman of the grand jury up there

13 now.

14 Q Would that be Mr. Holloway?

15 A That will be Mr. Holloway; and how do

16 you get that?

17 Q Have you ever had contact with

18 Mr. Holloway before?

19 A I don't want no more contact with

20 Mr. Holloway.

21 Q No. I mean, have you known him before

22 that?

23 A No. And I don't want no more with him

24 either.

25 Was he abusive to you that day,

1 A He was a idiot. I've talked to a lot
2 of lawyers and a lot of good lawyers; and they don't see
3 how he dismisses half of his grand jury and keeps two
4 people there to hear a case; and I don't either.

5 Q And that's what happened that day.

6 A That's exactly what happened.

7 Q What did he tell you that day?

8 A This one woman was sitting there, one
9 poor lady--I don't want to hold it again her--she was
10 sitting there looking right straight up. She didn't no
11 more know what I was saying than a man in the moon.

12 Mr. Holloway did, didn't he?

13 A I don't know whether he did or not.

14 Q What did he tell you that day?

15 A I don't know. Don't even remember.

16 MR. RADER: I don't think you're entitled to ask
17 what happened in the grand jury.

18 A You keep on and I'll tell you again I'm
19 just about to quit, Mr. Allen, fixing to answer anything
20 that you're asking.

21 MR. ALLEN:

22 Q Why is that, Mr. Medley?

23 A You just keep on and on; and I'm not
24 going to tell you no more. And you ask; and if I want to
25 answer it, I will; and if I don't, I won't. Go ahead.

1 Q Did you ever apologize to Mr. Delaney

2 for having him arrested?

3 A No.

4 Q Ever offer to make things right with

5 him?

6 MR. MELSON: Object to the form of the question.

7 MR. ALLEN:

8 Q Did you offer to ever pay his lawyer?

9 A And I won't tomorrow either.

10 Q Ever offer to reimburse him for any

11 medical costs?

12 A Did he offer to reimburse us for

13 anything?

14 Q Did you offer to

15 A No, I didn't offer him. Not going to

16 offer him.

17 You'd have done the exact same thing if

18 you had it to do again.

19 A Do what?

20 Q Have him arrested.

21 A There you go again, right back to the

22 same question.

23 Q You don't have any regrets for having

24 him arrested.

25 A None whatsoever.

1 Q And you're upset that they turned him

2 loose.

3 A Yes, I am.

4 Q And you disagree with that decision.

5 A I don't have no room for a thief. If

6 my brother is one, I don't have no room for him. If you're

7 one, then I don't have no room for you.

8 Q So you really planned to have him

9 arrested before he actually took the water meter out.

10 A That's the second time you've asked

11 that. I'm not answering you.

12 MR. ALLEN: Mr. Medley, I don't believe I have any

13 more questions.

14 AND FURTHER THIS DEPONENT SAITH NOT.

15

16

17

18

19

20

21

22

23

24

25

1 STATE OF TENNESSEE 2 COUNTY OF PUTNAM

3

4 1, Maxine Vaughn Frasier, being a Court
5 Reporter and Notary Public-at-Large in and for the State of
6 Tennessee, certify that the witness was duly sworn by me
7 and thereafter testified as set forth in the foregoing
8 deposition; and I further certify that said deposition is a
9 true record of the testimony given by said deponent. I
10 further certify that I am not interested in this matter,
11 nor of kin nor counsel to any of the parties.

12 In witness whereof, I have hereunto set my
13 hand and affixed my seal this ninth day of April, 1999.

14

15 Notary Public-at-Large-

16 My Commission Expires:

17 2-26-2000

18

19

20

21

22

23

24

25

74

1 ADDENDUM

2 If there are any corrections to your deposition, indicate
3 those corrections on this sheet. Identify the page and
4 line number, list the change you are making, and give the
5 reason for that change.

6

7 Page Line Change Reason

8 [By hand] Miss Molly I see No Reason

9 to Change Any of this

10

11

12

13 [By hand] Billy Joe Medley

14

15 [By hand] Delaney

16

17

18

19

20

21

22

23

24

25

1 _____

2 _____

3 _____

4 _____

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

Signature of Deponent

20

21

22

23

24

25

1 DEPONENT'S CERTIFICATE

2

3 I [*Printed by hand*] Billy J. Medley declare under penalty

4 of perjury that the foregoing is true and correct,

5 including such changes as I have made to the Addendum

6 annexed herein where applicable.

7

8 Date [*By hand*] 4/26/99 Signature [*By hand*] Billy J. Medley

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25