

1 Anything before the jury comes in?

2 MR. FORD: No, Your Honor.

3 MR. BRATT: No, Your Honor.

4 THE COURT: No.

5 Let's bring them in.

6 (The jurors are brought into the courtroom at
7 1:06 p.m.)

8 Okay, let the record reflect the jury has
9 returned. I guess we're up to cross examination of Mr.
10 Ervin.

11 THE CLERK: I just remind you you're still
12 under oath.

13 Mr. Ervin, if you'd please state your name once
14 again for the record.

15 MR. ERVIN: Theodore Ervin.

16 THE CLERK: Thank you.

17 CROSS EXAMINATION

18 BY MR. FORD:

19 Q: Mr. Ervin, I have a few questions.

20 You indicated that just prior to the happening
21 of this -- accident that the tractor tanker, the tanker
22 truck, suddenly came over into your lane. Is that
23 correct?

24 A: That is correct.

25 Q: And you further said that as a result of

1 that sudden movement, he ran you out of your lane. Is
2 that correct?

3 A: Correct.

4 Q: I take it then that the movement, and we
5 weren't there so you have to tell us, that the movement
6 that you said was made by the tanker truck was very
7 abrupt.

8 A: Correct.

9 Q: And you acted or reacted just as abruptly.
10 Is that correct?

11 A: That is correct.

12 Q: And when the tanker truck came over into
13 your lane you immediately went over into the lane to your
14 left. Is that correct?

15 A: That is correct.

16 Q: And immediately thereafter you were struck?

17 A: Correct.

18 Q: All of this in a split second?

19 A: Correct.

20 Q: You also said that the truck driver, the
21 tanker truck driver, did not give a signal.

22 A: That's correct.

23 Q: You didn't give a signal either.

24 A: No, I did not.

25 Q: Did you ever blow your horn?

1 A: No, I did not.

2 Q: Did you -- when you saw the truck coming
3 over did you apply your brakes?

4 A: No, I did not.

5 Q: So the only thing you did when the truck
6 came over as you say it did, was you immediately went
7 over into the left lane; the lane to your left (clapping
8 sound), and there's an accident.

9 A: Correct.

10 Q: Thank you, sir.

11 That's all I have.

12 THE COURT: Okay.

13 CROSS EXAMINATION

14 BY MR. STEPHENSON:

15 Q: Mr. Ervin, just wanted to be clear in a
16 couple of things.

17 In conjunction with the tractor trailer, this
18 is a big 60-foot long tractor and tanker trailer,
19 correct?

20 A: Correct.

21 Q: In conjunction with that vehicle, where
22 were you in relation to the length of that vehicle when,
23 as you say, it commenced to come into your lane?

24 A: I was along the tractor. I was on his -- I
25 was -- he was on my right hand side so I was on his left.