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## **Wispers DJ admits lying** **(<http://corsicanadailysun.com/local/x859492660/Wispers-DJ-admits-lying>)**

### **Ballew testimony challenged in Sinclair trial**

**By Janet Jacobs**

**Corsicana Daily Sun (<http://corsicanadailysun.com>)**

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CORSICANA - Jeffrey Ballew, 49, the former DJ at Wispers, took the stand Friday morning in the trial of Tommy Sinclair, testifying that he has a plea bargain deal with the district attorney's office for his part in the death of Fernando Ramirez on Oct. 1, 2008.

Sinclair is charged with assault and manslaughter in Ramirez's death following an altercation at the cabaret in Mustang. Ballew had also been charged with assault.

Under the pending deal, Ballew will plead guilty to felony aggravated assault and receive a 10-year probation sentence. Part of the bargain is also that he has to testify truthfully in the Sinclair trial or lose the deal.

The night Ramirez died was a Wednesday, so the only security in the club was Sinclair, Ballew said. However, Ballew said he had broken up at least one fight between Sinclair and a customer before. Ballew said he'd had some drinks before his shift began, and that he'd "snorted ice," or crystal methamphetamine.

Ballew said he didn't see how the confrontation started, but he saw Sinclair going to get his whip, or "rambuck" which Sinclair had used some months earlier to strike a man outside the club. The whip is a flexible rubber instrument about three feet long that Ballew said Sinclair explained was for training horses.

"I knew there was going to be trouble," Ballew testified.

Ballew said he descended from the DJ booth and came up behind Ramirez, then grabbed him by the collar, or "horsecollared" Ramirez, jerking him to the ground. He said Ramirez struck his shoulders and head on the ground. After that, Ballew said Ramirez was unconscious. At Sinclair's orders, three men then picked up Ramirez to remove him from the

club, Ballew said.

He hadn't used unnecessary force, Ballew insisted, nor had he meant to hurt or kill Ramirez, but merely to separate the two men.

"I didn't feel like what I did caused that," Ballew added.

Under cross-examination, it came out that Ballew had lied in a previous civil trial regarding an affidavit where Ballew said that Sinclair was seeking unscrupulous investors in Mustang. That lawsuit had to do with Sinclair's efforts to buy Mustang from Marsha McKie. McKie tried to get out of the deal and Sinclair sued. Sinclair eventually won that suit. Ballew wrote the affidavit supporting McKie's position, then changed sides and testified during the trial that the affidavit was untrue to support Sinclair's position.

"So, now you're saying the affidavit is true?" asked defense attorney Toby Shook.

"Yes, sir."

Shook asked why Ballew would lie under oath.

"I was in a lawsuit."

"You were lying then?"

"Yes, sir."

Following that exchange, Shook summed up: "We know two things: You'll look out for your best interests ... and you'll lie under oath."

"I don't think you've established that," Ballew responded.

Although Ballew is no longer employed at Wispers, his relationship with the Sinclairs hasn't ended. He testified that he dated Amber Sinclair, Tommy Sinclair's ex-wife, for about two years following her divorce, and that Tommy Sinclair helped bond him out of jail after he was indicted in the Ramirez assault. In addition, Ballew and Sinclair are co-defendants in a civil suit filed by the Ramirez family, asking for \$11 million, Ballew said.

Further testimony about their relationship and an incident three weeks ago at the Chili's in Corsicana was cut off by Ballew's own attorney, Amanda Putman, who advised Ballew to use his fifth amendment right against self-incrimination. He did so three times until Shook stopped that particular line of questioning.

Friday's testimony concluded with Sgt. Randy Clay of the Navarro County Sheriff's Department, one of several investigators who have taken the stand so far in the manslaughter and assault trial.

Testimony is scheduled to resume at 9 a.m. Monday in Judge James Lagomarsino's 13th District Court.