

Trial on the Merits
July 6, 2010

1 MR. WYDE: I apologize, Judge. Mr. Tadeo
2 is here under Section 4.5. It's a residency matter.
3 The reason his name will not appear in the petition is
4 because the person that allegedly voted, we think the
5 testimony will show, doesn't reside there.

6 MR. RICH: Your Honor, with the Court's
7 permission, could we -- could I get some clarification?
8 I didn't understand.

9 THE COURT: I understand that this witness
10 is not testifying about his own voting but about someone
11 else who's -- concerning their residence.

12 MR. WYDE: May I have just a moment?

13 WILLIAM TADEO,
14 having been first duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. WYDE:

17 Q. Mr. Tadeo --

18 A. Uh-huh.

19 Q. -- we have to ask, you speak English fluently?

20 A. Uh-huh.

21 Q. Okay. Do you -- where do you live?

22 A. West Dallas and on the other side of Singleton,
23 uh-huh.

24 Q. Do you know the address and the street?

25 A. Uh-huh. Hammerly 3025 -- no, 3922 Hammerly.

Trial on the Merits
July 6, 2010

1 Q. Okay. And who lives there with you?

2 A. I'm living with my grandmother and my brothers.

3 Q. Okay.

4 A. Uh-huh.

5 Q. May I ask you your grandmother's name?

6 A. June Rodriguez.

7 Q. And is there a Rita Rodriguez that lives there?

8 A. That's her daughter, but she hasn't lived there
9 in 30, 35 years.

10 Q. Would that be your aunt?

11 A. Uh-huh.

12 Q. You know your aunt?

13 A. Uh-huh.

14 Q. If you would say yes or no --

15 A. Yes.

16 Q. -- it makes it help -- easier for this young
17 lady (pointing). I understand what you're saying.

18 Where does your Aunt Rita live now?

19 A. Grand Prairie.

20 Q. And how long has she lived there?

21 A. About 30 years, 35 years, give or take.

22 Q. And if I suggested to you that your Aunt Rita
23 supposedly signed and said she lived at 3922 Hammerly in
24 March --

25 MR. WOOD: Your Honor --

Trial on the Merits
July 6, 2010

1 Q. -- would you agree or disagree with that?

2 MR. WOOD: -- I'm going to object to this
3 testimony. We've not been supplied any information on a
4 Rita Rodriguez. We don't know -- this is the first time
5 we've ever even heard of her. She's not listed on any
6 of the pleadings that we can find. If she's there
7 somewhere, I don't know. I can't -- I don't know
8 anything about her, I don't know where she voted, I
9 don't know how she voted, I don't know what the
10 situation was. So I just -- he should have pleaded the
11 names to -- prior to trial.

12 MR. WYDE: There was no requested
13 discovery.

14 MR. WOOD: That's not the problem. No, my
15 objection, if you don't -- if you haven't pleaded the
16 name prior to trial, you're cut off on this case, and
17 I've got case after case after case that says that.

18 MR. WYDE: But that's only if you
19 request --

20 MR. WOOD: No. It is a requirement that
21 you have pleaded the names.

22 MR. WYDE: I respectfully disagree. All
23 that was requested from us was -- I mean, all that
24 was --

25 THE COURT: Well, let me see the cases.

Trial on the Merits
July 6, 2010

1 MR. WOOD: I don't have the copies of the
2 cases because I haven't had this happen to me in a
3 while, but I can get them to you.

4 THE COURT: Okay. I tell you what, let's
5 just go ahead, I'll take testimony, I'll look at the --
6 if you'll have it for me in the morning, the cases, and
7 I'll take a look at it then to see whether it counts or
8 not.

9 MR. WOOD: Okay.

10 MR. WYDE: Okay.

11 Q. (BY MR. WYDE) My last question to you,
12 Mr. Tadeo, was, if I have a piece of paper here that
13 suggests that your aunt was living there at your home --

14 A. Yes, sir.

15 Q. -- your grandmother's home --

16 A. Yes, sir.

17 Q. -- and that she supposedly voted from there, do
18 you -- does that make any sense to you, or do you think
19 that's -- that would be -- not be accurate?

20 A. It makes sense, but around that time, I wasn't
21 living there. I was married and I was living in
22 Kilgore. So that time, she might have been there, so --
23 but other than that, yeah, it does make sense.

24 Q. Even though she's living in Grand Prairie for
25 the last 30 to 35 years?

Trial on the Merits
July 6, 2010

1 A. Uh-huh.

2 Q. So today, would she be out in Grand Prairie if
3 we wanted to visit with her?

4 A. Yes, uh-huh.

5 Q. So she might have stopped by to visit or pick
6 up mail?

7 A. More than likely, yes.

8 Q. Okay.

9 (Contestant's Exhibit No. 17 marked.)

10 MR. WOOD: I don't have no objections to
11 Contestant's 17.

12 THE COURT: Admitted.

13 MR. WYDE: Okay.

14 Q. (BY MR. WYDE) Thank you, Mr. Tadeo.

15 MR. WYDE: No further questions.

16 THE COURT: Any cross?

17 MR. WOOD: Yes.

18 CROSS-EXAMINATION

19 BY MR. WOOD:

20 Q. Mr. Tadeo, do you know whether your aunt
21 regularly votes at this address?

22 A. That, I don't know.

23 Q. Okay. And does she get mail there?

24 A. Yes, she does.

25 Q. Okay. She comes by regularly?

Trial on the Merits
July 6, 2010

1 A. No, not herself personally, but her daughter
2 does.

3 Q. But you were not in the area around election
4 time?

5 A. No, sir.

6 Q. You lived in East Texas, like -- I came from,
7 Kilgore. Thank you.

8 MR. WOOD: No further questions.

9 THE COURT: Anything further?

10 MR. WYDE: No, Your Honor.

11 THE COURT: You may step down.

12 MR. WYDE: Thank you, Mr. Tadeo.

13 We'll call Elida Camacho, Ms. Camacho.

14 THE COURT: Where on the petition is she?
15 Where on the petition is she located, Mr. -- counsel?

16 MR. WYDE: Yes, sir, I'm looking.

17 THE COURT: Oh.

18 MR. WYDE: I apologize.

19 THE COURT: I thought I just lost my voice.
20 It's just me talking.

21 MR. WYDE: Judge, I have a request to ask
22 of the Court. Would you be offended if I took my jacket
23 off?

24 THE COURT: That's fine. And after this
25 witness, we're going to take a short break.

Trial on the Merits
July 6, 2010

1 MR. WYDE: Yes, sir. Page 7, Your Honor.

2 THE COURT: Thank you.

3 MR. WYDE: Second from bottom, Section 4.7.

4 Ms. Rodriguez.

5 THE BAILIFF: Camacho.

6 THE COURT: If you'll come around over
7 here, Ms. Rodriguez.

8 THE WITNESS: Camacho.

9 THE COURT: Ah, thank you. Ms. Camacho, if
10 you'll come around up here. Excuse me.

11 MR. WOOD: Your Honor, he did put Ms.
12 Rodriguez under a different name, so I'll withdraw my
13 objection.

14 THE COURT: Thank you.

15 MR. WYDE: That was page 7, second from the
16 bottom of the petition --

17 THE COURT: Okay.

18 MR. WYDE: -- for Ms. Rodriguez.

19 MR. WOOD: Where's this one?

20 THE WITNESS: Where's my husband?

21 MR. WYDE: We're on page 9, third from the
22 top.

23 THE COURT: Thank you.

24 ELIDA CAMACHO,

25 having been first duly sworn, testified as follows:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DIRECT EXAMINATION

BY MR. WYDE:

Q. Good afternoon, Ms. Camacho.

A. Yes. Well, you want the numbers or what?

Q. Well, Ms. Camacho --

A. Uh-huh.

Q. -- my name is Dan.

A. Okay.

MR. WYDE: Permission to approach.

Q. (BY MR. WYDE) Ms. Camacho, can you understand what I'm saying?

A. Yes.

Q. Okay. Do you live at 2837 --

A. Hedgerow.

Q. -- Hedgerow?

A. Uh-huh.

Q. Yes, ma'am. Do you remember voting, or did anybody come to your house --

A. Uh-huh.

Q. -- earlier this year to help you to vote?

A. No, nobody come.

Q. Nobody came?

A. No.

Q. Okay. Do you normally vote by mail?

A. Sometimes.

Trial on the Merits
July 6, 2010

Page 209

- 1 Q. Yes, ma'am.
- 2 A. This is my signature.
- 3 Q. Yes, ma'am.
- 4 A. Uh-huh.
- 5 Q. Is this your signature, Ms. Camacho?
- 6 A. Yes. Yes.
- 7 Q. Okay.
- 8 A. That one, too.
- 9 Q. Okay. Do you remember getting a green package?
- 10 A. Yes, I remember. Every coming -- I'm working
- 11 on --
- 12 Q. Okay. Does this look familiar?
- 13 A. Just this.
- 14 Q. Just this?
- 15 A. Yes. I don't remember this, no.
- 16 Q. You don't remember the yellow one?
- 17 A. No, just green.
- 18 Q. Did you -- did anyone come to your home to talk
- 19 to you about what was in the green envelope?
- 20 A. No, I don't remember somebody coming.
- 21 Q. Did you mail?
- 22 A. Yeah, I mailed, uh-huh.
- 23 Q. The green one?
- 24 A. The green one, uh-huh.
- 25 Q. Okay. Thank you, Ms. Camacho.

Trial on the Merits
July 6, 2010

1 A. Okay. That's all?

2 Q. This gentleman may or may not have any
3 questions.

4 MR. WOOD: No questions, Your Honor.

5 THE WITNESS: No questions.

6 THE COURT: You may step down. Thank you.

7 MR. RICH: Gracias.

8 THE WITNESS: Thank you very much.

9 THE COURT: Okay. We're going to take a
10 short recess.

11 (Recess taken from 3:03 p.m. to 3:15 p.m.)

12 MR. WYDE: Rachel Cenicerros.

13 MR. RICH: What list?

14 MS. WOERTENDYKE: She's number 10 on page
15 9.

16 MR. RICH: All right.

17 THE BAILIFF: You'll go through the little
18 gate and off to the left. Your seat's up there at the
19 end of the court reporter next to the Judge.

20 THE WITNESS: Here?

21 THE COURT: Right up here. You can have
22 that high seat over here.

23 THE WITNESS: Ah. Be important, like you,
24 huh?

25 THE COURT: That's right.

Trial on the Merits
July 6, 2010

Page 211

1 Okay. You may proceed.

2 MR. WYDE: Yes, Your Honor.

3 RACHEL CENICEROS,

4 having been first duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. WYDE:

7 Q. Would you tell us your name, please?

8 A. Rachel Cenicerros.

9 Q. Ms. Cenicerros, do you live at 2030 Euclid?

10 A. Yes, sir.

11 Q. Okay. And back in March of this year, do you
12 recall anybody coming by the home to visit with you
13 about voting?

14 A. Did I call?

15 Q. No, do you remember --

16 A. Oh.

17 Q. -- anybody coming by?

18 A. Yeah. Well, yeah, for voting.

19 Q. Yes, ma'am.

20 A. And I thought --

21 Q. See --

22 A. Huh?

23 Q. Well, seems like it's kind of -- you just kind
24 of expect it?

25 A. No. Well, I don't know. They would come and

Trial on the Merits
July 6, 2010

Page 212

1 ask me if I would vote for that person, and I was -- I
2 thought I was helping people, and I said yes, and that's
3 it.

4 Q. Yes, ma'am.

5 A. I signed the paper.

6 Q. Do you recall what paper you signed?

7 A. Well, it came in an envelope like this, but I
8 don't know, I'm not going to lie because I don't -- you
9 know, it was just a paper with a lot of questions and
10 probably registration voting or something, whatever. I
11 don't know. I don't remember.

12 Q. Yes, ma'am.

13 A. And then I would sign my name, and dumb me, I
14 thought it was like, well, they're helping old people
15 so they wouldn't have to walk, you know, to go over
16 there, and I thought I was doing somebody a favor,
17 but --

18 Q. Sure. Well --

19 A. Unfortunately, you know --

20 Q. No, ma'am, no, listen, it's a favor to vote for
21 somebody.

22 A. Well, yeah, but I didn't even enroll to
23 anybody, you know, just --

24 Q. And what did you do with the papers after you
25 signed them?

Trial on the Merits
July 6, 2010

Page 213

1 A. Oh, they took it.

2 Q. They took it?

3 A. Uh-huh. It was a clipboard, and then I would
4 sign it and then I would -- they said that I didn't have
5 to worry, that I -- that they would take care of it, so
6 you know.

7 MR. WYDE: May I approach the witness?

8 MR. WOOD: Your Honor, could I get a
9 clarification?

10 THE COURT: Certainly.

11 MR. WOOD: We're getting answers like they
12 took it, I don't -- can't remember what it is, I don't
13 know where it's -- is it the application or the voting
14 ballot? I can't tell.

15 MR. WYDE: That's what I was going to try
16 and clear up.

17 THE COURT: Okay.

18 MR. WOOD: Yes, sir. I'm sorry.

19 MR. WYDE: No, perfectly fine, legitimate.

20 A. Maybe I didn't understand what you asked me.

21 Q. (BY MR. WYDE) Yes, ma'am. And if you don't
22 have -- if you don't understand, please say, hey, Dan, I
23 don't get it.

24 A. Okay.

25 Q. And I'll be happy to repeat that, okay?

Trial on the Merits
July 6, 2010

Page 214

1 A. Uh-huh.

2 Q. Yes, ma'am. Do you recognize this type of
3 envelope? It's got a 7 on it.

4 A. Uh-huh.

5 Q. Okay. Usually it comes with a green envelope;
6 is that correct?

7 A. Uh-huh. And I would sign -- where is it --
8 right there, I guess. Isn't it, where they're supposed
9 to sign?

10 Q. Well, I would suggest it was up here.

11 A. Or somewhere in the back of -- I don't
12 remember, to tell you the truth.

13 Q. Okay. Do these --

14 A. Probably -- I don't know. I signed an
15 envelope.

16 Q. Yes, ma'am. Ms. Cenicerros, I assume these
17 people were friendly?

18 A. Very. That's why I got to talk to them.

19 Q. Sure. They want to help you?

20 A. Yeah, that's my signature.

21 Q. Okay. And you're referring to your signature
22 on -- this is -- if I suggested this is the copy of the
23 yellow envelope that you signed?

24 A. It probably was because he got a yellow
25 envelope and he said, you're going to sign for

Trial on the Merits
July 6, 2010

1 so-and-so, so I said, yeah, I will.

2 Q. Is that all your signed, that you remember?

3 A. Uh-huh.

4 Q. And --

5 A. And they were saying that I could get rid of
6 whatever papers -- once in a while, I would get one like
7 this. But most of the time, I had this envelope and I
8 signed on it and --

9 Q. They -- most of the time, the people --

10 A. Like I said, I meant well. I didn't mean, you
11 know, to offend anybody or do anything wrong.

12 Q. You haven't offended anybody and you haven't
13 done anything wrong.

14 A. I didn't want to feel guilty that I did
15 something wrong.

16 Q. No, ma'am. Was the -- do you remember whether
17 the envelope had been sealed or not sealed when you
18 signed it?

19 A. No. It was -- I just -- no, I just -- I think
20 it was like that and I signed it and then they would
21 seal it I think when they took it away, you know.

22 Q. Do you -- did you see them seal it --

23 A. No.

24 Q. -- or did they just say, we'll take care of it?

25 A. That. And that -- and I believed them when

Trial on the Merits
July 6, 2010

Page 216

1 they said they'll take care of it. I thought, well, I
2 mean, they're helping people, and I'm helping them.

3 Q. Right.

4 A. I'm sorry.

5 Q. Do you recall if they came by back in -- and
6 when I -- can you describe who came by?

7 A. It was -- used to be a young man in his -- I'd
8 say 28, 29, 30, you know, younger man. Real friendly.

9 Q. Yes, ma'am.

10 A. Curly hair.

11 Q. And was it the same person that may have come
12 by in January?

13 A. There were -- the same one came about three
14 times to see, you know, because I didn't -- I mean, I
15 don't know.

16 Q. Would you take a minute and see if you
17 recognize the individual that came by?

18 A. (Looking through photos) It was a very young
19 man. Not these.

20 Q. And if you'll give the court reporter a minute,
21 she's got to label something.

22 (Contestant's Exhibit No. 18 marked.)

23 A. The guy that came by was really casual-looking.
24 No. I don't remember if they said it was his -- her
25 brother -- that lady's brother. But he was young, kind

**Trial on the Merits
July 6, 2010**

Page 217

1 of -- not big, not small, medium size with, you know,
2 short hair, very friendly, like I said. So I don't see
3 him here.

4 Q. Okay.

5 A. But I remember him saying that he was --

6 Q. Not this individual (showing photo)?

7 A. Well, if -- he had more hair than that, if it
8 was him, you know.

9 Q. Okay. Not that individual (showing photo)?

10 A. Aren't they the same?

11 Q. No.

12 A. No? Well, they all look alike to me. No. The
13 other guy was real young, like I say. Do they have like
14 a younger brother probably?

15 Q. Okay. You don't recall a name or anything, do
16 you?

17 A. Oh, no. I'm sorry, but I don't.

18 Q. That's okay. And we're not --

19 A. But it was one of the family guys, I think. I
20 think he said -- I don't want to lie, because it -- I
21 don't remember if he said my cousin or my sister that
22 they were doing it for, you know, something like that.

23 Q. Uh-huh.

24 A. That's all I know.

25 Q. Was it this old man right here behind this

Trial on the Merits
July 6, 2010

1 young lady?

2 A. I've never seen him. He was a younger person,
3 I think. He was the same one that went there almost
4 every time, so he must have --

5 THE COURT: Let's get back to question and
6 answer and move along.

7 A. I don't know.

8 MR. WOOD: I have no objections to 18.

9 THE COURT: Admitted.

10 Q. (BY MR. WYDE) And you're sure that they took
11 the brown envelope from you?

12 A. Uh-huh. Yeah, because I signed it and then
13 they went away.

14 Q. Okay. Thank you very much, Ms. Cenicerros. Mr.
15 -- this gentleman might have a question or two.

16 A. Oh, okay.

17 MR. WOOD: I have no questions, Your Honor.

18 THE COURT: You may step down.

19 THE WITNESS: Well, I hate to offend
20 anybody or do anything wrong.

21 MR. WYDE: Watch your step.

22 THE WITNESS: Uh-huh. Thank you.

23 MR. WYDE: We'd call Ms. Guerra, Anna
24 Guerra.

25 MR. RICH: What's the --

Trial on the Merits
July 6, 2010

Page 219

1 MR. WYDE: Nancy.

2 MS. WOERTENDYKE: I'm looking.

3 THE COURT: Let's see if we can -- our
4 witnesses tend to ramble sometimes. Let's see if we can
5 be short, sweet, and to the point and move on. I know
6 we've got a lot of them lined up, so --

7 MR. WYDE: Yes, Your Honor.

8 MR. RICH: You're saying Anna Guerra?

9 MR. WYDE: Oh, excuse me. I misspoke.
10 Albert Chacon.

11 THE BAILIFF: Albert Chacon?

12 MS. WOERTENDYKE: He's number 11 on page 9.

13 THE COURT: Were you sworn in earlier?

14 (Interpreter translating)

15 THE WITNESS: Just when I went to get my
16 citizenship.

17 THE COURT: Okay. Well, let's do the
18 swearing in now. Please raise your right hand.

19 (Witness sworn)

20 THE COURT: Thank you. You may proceed.

21 MR. WYDE: Yes, sir.

22 ALBERTO CHACON,
23 having been first duly sworn, testified through the duly
24 sworn interpreter as follows:

25 DIRECT EXAMINATION

Trial on the Merits
July 6, 2010

1 BY MR. WYDE:

2 Q. Mr. Chacon, do you live at 4411 Cabell?

3 A. Yes.

4 Q. In March, did anyone come to your home to help
5 you vote in the election?

6 A. What elections?

7 Q. The Democrat election when there was early
8 voting in the last couple of weeks of February.

9 A. Yes, somebody went by there, a guy.

10 Q. Whose guy?

11 A. I don't remember his name, but he said he was
12 Medrano's nephew.

13 Q. And did he mention which Medrano?

14 A. No, I don't remember. He just said Medrano,
15 and that it was his uncle.

16 Q. And did the person who came by help you in
17 voting?

18 A. All he said was for us to just sign.

19 Q. Okay. What did he ask you to sign? Was it one
20 of these yellow envelopes?

21 A. I think it was yellow, and then after he showed
22 one of these, I think.

23 Q. Okay. So do you recognize this type of an
24 envelope?

25 A. Yes, because it was yellow.

Trial on the Merits
July 6, 2010

1 Q. Okay. And what did you do with the yellow
2 envelope after you signed?

3 A. It seems like we went to put it in the mail.

4 Q. Okay. Did this man help you put it in the
5 mail?

6 A. No, I went by myself.

7 Q. Okay. When -- where did you go to mail it?

8 A. I think it was Live Oak and Carroll.

9 Q. Okay. Did you vote or fill out the ballot
10 yourself?

11 A. No, he helped us.

12 Q. Okay. And when you say us, who else was with
13 you?

14 A. My wife was there.

15 Q. Did she vote?

16 A. Yes, she also voted.

17 Q. And did the young man sit down with you and
18 your wife and discuss with you who to vote for or who to
19 vote -- not to vote for?

20 A. No, he just said for us to vote for his uncle.

21 Q. Okay. And is that when you voted for the uncle
22 at that time?

23 A. Yes, he told me to sign there. He took like
24 some pictures.

25 Q. Did you sign anything other than the yellow

Trial on the Merits
July 6, 2010

Page 222

1 envelope?

2 A. No, just that, and there's like these little
3 round circles like this, and he just told us to go like
4 this (indicating).

5 Q. On the ballot?

6 A. Well, I don't remember that very well.

7 Q. The paper that had the names of the people who
8 were running for office?

9 A. Yes, it had the names.

10 Q. Okay. And so this person did this -- the young
11 man did that with you at the time you filled out the
12 paperwork?

13 MR. WOOD: Objection. Question is
14 confusing, he did it with you. I think he can ask the
15 question about whether he assisted him or not.

16 THE COURT: Sustained.

17 Q. (BY MR. WYDE) The young man -- was the young
18 man assisting you at the time you filled out the
19 paperwork?

20 A. Yes. He went two times. Yes, but Sepulveda
21 also went.

22 Q. Okay. This gentleman (pointing)?

23 A. Yes.

24 Q. He went where?

25 A. He went to the house.

Trial on the Merits
July 6, 2010

1 Q. Okay. Was he there when you voted?

2 A. No. He was explaining it to me and he said for
3 me to sign, and it had nothing else to do with that.

4 (Contestant's Exhibit No. 19 marked.)

5 THE COURT: I'm sorry, I'm going -- you're
6 going to be in contempt if there's any more talking to
7 the witness.

8 MR. SEPULVEDA: I was trying to get the
9 attention of the counsel.

10 THE COURT: You need to stand up and say,
11 Mr. Wyde, would you come back, and he'll come back and
12 talk to you.

13 MR. SEPULVEDA: Yes, sir.

14 MR. WOOD: On Exhibit 19, it has -- I'm
15 addressing it right now -- it has an affidavit by this
16 voter, he signed, and I'm not going to object to that
17 affidavit to be hearsay, and otherwise, I am -- I do not
18 object to it.

19 Q. (BY MR. WYDE) When you mentioned, Mr. --

20 THE COURT: Is that No. 19?

21 MR. WOOD: Yes, sir.

22 THE COURT: Admitted.

23 Q. (BY MR. WYDE) Mr. Chacon, when you mentioned
24 about Mr. Sepulveda coming and asking you to sign
25 something, was it -- did it -- the paper look like that?

**Trial on the Merits
July 6, 2010**

Page 224

1 A. I do believe so. I don't know if it was like
2 this, but it was white.

3 Q. Okay. And it was after the election, is that
4 correct, if you know?

5 A. I don't remember when the elections were.

6 Q. Okay.

7 MR. WYDE: This is Exhibit 19. No further
8 questions.

9 MR. WOOD: No questions, Your Honor.

10 MR. WYDE: Thank you, Mr. Chacon.

11 THE COURT: You may step down.

12 MR. WYDE: Maria Chacon, please.

13 MS. WOERTENDYKE: She's going to be number
14 12 on that list.

15 MR. WYDE: Where is she?

16 MS. WOERTENDYKE: Number 12 on page 9.

17 MR. WYDE: Number 12 on page 9.

18 MR. RICH: Thank you.

19 MR. WYDE: Yes, sir. If you just want to
20 find something or figure out something, just ask the
21 female in the room.

22 THE COURT: Were you sworn in earlier?
23 (Interpreter translating)

24 THE WITNESS: Just with my citizenship.

25 THE COURT: If you'll stand and raise your

Trial on the Merits
July 6, 2010

1 right hand.

2 (Witness sworn)

3 THE COURT: You may be seated.

4 MARIA CHACON,

5 having been first duly sworn, testified through the duly
6 sworn interpreter as follows:

7 DIRECT EXAMINATION

8 BY MR. WYDE:

9 Q. Tell us your name, please.

10 A. Maria Margarita Chacon.

11 Q. Ms. Chacon, was that your husband who just
12 testified a moment ago?

13 A. Yes, that is my husband.

14 Q. Do you remember anyone coming to your home in
15 late February to talk to you about voting?

16 A. Yes, Mr. Medrano.

17 Q. I'm sorry, who came?

18 A. Medrano.

19 Q. Do you know the young man's first name?

20 A. I don't know his -- I don't remember his name.

21 All I know is that he is the nephew of the gentleman who
22 was the candidate, Medrano candidate.

23 Q. Okay. Did the young man, Mr. Medrano, help or
24 talk to you about who to vote for?

25 A. No, he didn't help us. He just explained to us

Trial on the Merits
July 6, 2010

Page 226

1 how it was that we should do it.

2 Q. Okay. And how did he do that? What did he
3 say?

4 A. I don't remember that very well, but everything
5 came in a piece of paper that was in Spanish.

6 Q. Was the young man there when you signed any
7 papers?

8 A. Yes. Yes, he was there.

9 Q. And is one of the papers that you signed that
10 -- something like the yellow envelope in front of you?

11 A. Yes.

12 Q. Had people come to your home before to talk to
13 you about voting matters?

14 A. No.

15 Q. What happened with the envelope that you
16 signed?

17 A. What we signed, he took.

18 Q. You -- are you sure about that?

19 A. That time, yes.

20 Q. Is there another time?

21 A. No, it's that later envelopes of this color
22 came to us, and so then later on, we put those in.

23 Q. Is this piece of paper what the young man took?
24 Is this a copy of what the young man took?

25 A. Yes. Yes, this is my name.

Trial on the Merits
July 6, 2010

Page 227

1 Q. Did the young man bring that envelope to you --
2 or excuse me, bring that piece of paper with this
3 material on it, the original, did the young man bring
4 the original back to you?

5 A. Yes.

6 Q. Okay.

7 (Contestant's Exhibit No. 20 marked.)

8 MR. WOOD: No objection to 20.

9 THE COURT: Admitted.

10 MR. WYDE: Thank you, Ms. Chacon. One
11 momento. Did you have any questions?

12 MR. WOOD: Just a second, Your Honor, if
13 you don't mind. No questions, Your Honor.

14 THE COURT: You may step down. Next.

15 MR. WYDE: Severo Camacho.

16 MS. WOERTENDYKE: That'd be number 4, page
17 9, fourth from the top.

18 MR. WYDE: Page 9, fourth from the top.

19 THE COURT: Were you sworn in before?

20 (Interpreter translating)

21 THE WITNESS: No.

22 THE COURT: If you'll raise your right
23 hand.

24 (Witness sworn)

25 THE COURT: Thank you.

Trial on the Merits
July 6, 2010

Page 228

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SEVERO CAMACHO,

having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. WYDE:

Q. Please tell us your name, Mr. Camacho.

A. (In English) Severo Camacho.

Q. Do you understand and speak English well?

A. (In English) Well, not real well.

Q. Would you rather the questions be presented to you in Spanish?

A. (In English) Yeah.

Q. Okay. Mr. Camacho, did anyone come to your home over on Hedgerow in January or February to discuss or help you in voting?

A. No.

Q. Did you request a mail-in ballot yourself?

A. (In English) Yes.

(By the Interpreter) Yes, because for the ease of being able to just send it.

Q. Uh-huh. Did anyone come to your home and talk to you about who to vote for?

A. No.

MR. WYDE: No further questions.

MR. WOOD: No questions, Your Honor.

THE COURT: You may step down. Thank you,

Trial on the Merits
July 6, 2010

Page 229

1 sir. Who's your next one?

2 MR. WYDE: Yes, Willie Guevara. Willie
3 Guevara.

4 MR. RICH: G-U-E?

5 MR. WYDE: Yes.

6 MS. WOERTENDYKE: He's going to be -- he's
7 the fifth one down on page 10.

8 THE BAILIFF: Willie, do you speak English,
9 sir?

10 THE WITNESS: Yes.

11 THE BAILIFF: Very good. Next to the
12 Judge, there's a chair. If you'll have a seat just
13 beyond the court reporter there.

14 THE COURT: Were you sworn in before? Sir,
15 were you sworn in before?

16 THE WITNESS: Oh, yes, yes.

17 THE COURT: Thank you. Be seated, please.
18 You may proceed.

19 WILLIE GUEVARA,
20 having been first duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. WYDE:

23 Q. Mr. Guevara --

24 A. Yes, sir.

25 Q. -- do you recall anyone coming to visit with

Trial on the Merits
July 6, 2010

Page 230

1 you about voting back in February or early March of this
2 year?

3 A. No, I don't recall.

4 Q. You don't remember?

5 A. No.

6 Q. Okay. Do you know Roberto Medrano?

7 A. No.

8 Q. Did you vote by mail, Mr. --

9 A. Yes.

10 Q. Did you request a ballot yourself, or did
11 someone request it for you?

12 A. Someone requested it for me, I believe.

13 Q. Okay. And how does that work? I don't
14 understand how they do that.

15 A. Well, I don't know myself. All I do is sign
16 one of those -- it looks something like this, but
17 it's -- and they take it and then I'll receive it in the
18 mail, then I fill it out, you know, mail it. I mail it
19 myself.

20 Q. You -- okay. No one tries to help you with
21 that?

22 A. No one helped me.

23 MR. WYDE: No further questions.

24 MR. WOOD: No questions, Your Honor.

25 THE COURT: You may step down. Thank you.

Trial on the Merits
July 6, 2010

Page 231

1 Next.

2 MR. WYDE: Yes, sir.

3 THE COURT: Do we need to take a break?

4 MR. RICH: That might be --

5 THE COURT: We're in -- we're going to take
6 a break.

7 (Recess taken from 3:53 p.m. to 4:07 p.m.)

8 THE BAILIFF: You ready for the next
9 witness, Maria Lopez?

10 MS. WOERTENDYKE: She's number 14 from the
11 bottom on page 10.

12 MR. RICH: Thank you very much.

13 THE INTERPRETER: Where would you like --

14 THE COURT: Let's just pull a chair up
15 right out here.

16 THE BAILIFF: There is a chair here.

17 MARIA LOPEZ,

18 having been first duly sworn, testified through the duly
19 sworn interpreter as follows:

20 DIRECT EXAMINATION

21 BY MR. WYDE:

22 Q. Ms. Martinez, is that your name?

23 A. No.

24 THE COURT: Ms. Lopez.

25 Q. Ms. Lopez?

Trial on the Merits
July 6, 2010

Page 232

1 A. Yes, Lopez.

2 Q. And do you live on 4223 Delano?

3 A. Yes.

4 Q. Did a young man come by your home sometime when
5 you had a ballot to discuss with you who to vote for?

6 A. Yes.

7 Q. That's a fairly common thing in your
8 neighborhood, is it not, around election time?

9 A. Well, they'd always go. They'd always go.

10 Q. They'd always go where?

11 A. To take a paper in order to vote.

12 Q. Is that what happened in this last election?

13 MR. WYDE: Did someone take her papers for
14 voting?

15 A. Yes.

16 Q. (BY MR. WYDE) Did anyone mention any -- did
17 they introduce themselves to you or tell you any of
18 their names?

19 A. No. What they do is they come to the door and
20 they knock, and that day, I was very sick in my legs and
21 so I didn't go to the door and so they spoke to my
22 husband and I just signed.

23 Q. Okay. What did you do with the paper after it
24 was signed?

25 A. They took it.

Trial on the Merits
July 6, 2010

Page 233

1 Q. They, your husband, or the other person?

2 A. That person took the paper that we signed.

3 Q. Okay. Was it an envelope like this, that you
4 remember?

5 A. I don't remember.

6 Q. Okay. Was it something that looked long like
7 this when they were asking you if you wanted a ballot?

8 A. Yes, that was it.

9 Q. Okay. And then when the material came in -- or
10 I should ask, did materials come in an envelope like
11 this?

12 A. Yes.

13 Q. What happened to the papers that came in this
14 envelope?

15 A. They took it.

16 Q. Okay. And so do you recall whether a yellow
17 envelope was included in the green one?

18 A. I don't remember.

19 Q. It's just that this young man took the papers
20 that had to do with the voting?

21 A. Yes.

22 Q. Okay. And is that your signature, Ms. Lopez?

23 A. Yes.

24 Q. And does that appear to be your signature also?

25 A. Yes. It's just that sometimes my sugar is up

Trial on the Merits
July 6, 2010

1 too high and my hand shakes a lot, so my hands shake.

2 Q. Yes, ma'am, I understand.

3 (Contestant's Exhibit No. 21 marked.)

4 MR. WYDE: We have no further questions
5 with Ms. Lopez, and we'll offer Contestant's No. 21.

6 MR. WOOD: No objection, Your Honor.

7 THE COURT: Admitted. Any questions of
8 this witness?

9 MR. WOOD: Yes.

10 CROSS-EXAMINATION

11 BY MR. WOOD:

12 Q. Ms. Lopez, I am the lawyer for Mr. Medrano.
13 You testified that you requested a ballot that someone
14 took from you?

15 A. I don't remember.

16 Q. Okay. When you got these envelopes, there was
17 a ballot in there, was there not?

18 A. Yes, but they got there in the mail.

19 Q. Okay. You got this in the mail?

20 A. Yes.

21 Q. And did you mail it in -- back in?

22 A. No.

23 Q. Okay. And what did you do with the envelope
24 that looked like this color?

25 A. I don't remember whether I got it or I didn't

Trial on the Merits
July 6, 2010

1 get it. I don't remember.

2 Q. Okay.

3 MR. WOOD: No further questions, Your
4 Honor.

5 THE COURT: You may be excused. Who's your
6 next one?

7 MR. WYDE: Joe Martinez.

8 MS. WOERTENDYKE: He's number 2 from the
9 top on page 7. It's the 4.7 page.

10 THE COURT: Were you sworn in before?

11 THE WITNESS: Pardon me?

12 THE COURT: Did you take the oath before
13 out here?

14 THE WITNESS: Yes.

15 THE COURT: Thank you.

16 JOE MARTINEZ,
17 having been first duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. WYDE:

20 Q. Tell us your name, please, Mr. Martinez.

21 A. Joe.

22 Q. Martinez?

23 A. Martinez.

24 Q. Yes, sir. And I take it you reside at 3226
25 Cherrywood?

Trial on the Merits
July 6, 2010

1 A. Correct.

2 Q. Okay. Mr. Martinez, have you voted in other
3 elections in the past?

4 A. Yes, I have.

5 Q. Okay. Do you often vote by mail?

6 A. Not often, no.

7 Q. Okay.

8 A. I live just seven houses from the voting place,
9 so I mean, there's been times that I just go vote.

10 Q. All right. And this past election in March, if
11 you recall, in early voting that took place a couple of
12 weeks before, in this past one, do you recall voting or
13 remember voting by mail?

14 A. They did send the mail to me, but the person
15 that went up there the following day, he went up there
16 and told me that he was ready to pick the mail up, and I
17 hadn't even opened it yet. So he said it was okay to
18 open it and sign it and vote for whoever you want and
19 then I go ahead and take it with me and I take it to the
20 office. I said, well, I don't even know who I'm going
21 to vote for. I said, I haven't even looked at it yet.

22 So he said, well, just go ahead and open it
23 up and vote for whoever you want. I said, well, I'll go
24 ahead and do that. I said, but I mean, usually, I mean,
25 what they do, I mean, they send us the papers and wait

Trial on the Merits
July 6, 2010

Page 237

1 about a couple of weeks before they would go back for
2 them or we mail it back to them, you know. But this
3 time, he told me to go ahead and sign it then and he
4 would take it back. So I went right ahead and signed it
5 in.

6 Q. Can you describe the person that --

7 A. I don't even know who I voted for.

8 Q. You don't know who?

9 A. Huh-uh.

10 Q. Can you describe the person that came to you
11 and asked you to give them --

12 A. It was a middle-aged person. Not the person
13 that usually goes up there, though. It was another
14 person, but I don't -- I can't remember his name,
15 though.

16 Q. Did he give you a name?

17 A. He did. But like I said, I cannot remember.

18 Q. Was it Sepulveda?

19 A. I can't remember.

20 Q. Garcia?

21 MR. WOOD: Asked and answered, Your Honor.
22 He said he can't remember.

23 MR. WYDE: Excuse me. I'm trying not to
24 suggest an answer.

25 A. Like I said, all I can remember is it was a

Trial on the Merits
July 6, 2010

Page 238

1 middle-aged person, I mean, you know, and that's about
2 it. I mean, I cannot remember his name. He did give me
3 his name, though.

4 Q. Medrano? You just don't remember?

5 A. I just don't remember.

6 Q. No problem. What did you do with the paperwork
7 after you signed it?

8 A. I just gave it to him. He says, go ahead and
9 give it to me and I'll take it back.

10 Q. Okay. And -- as if he's mailing it for you?

11 A. Yeah.

12 Q. Kind of doing you a good deed?

13 A. Well, that's what he told me.

14 Q. Okay. What -- do you recall seeing this kind
15 of an envelope?

16 A. Yes.

17 Q. Was that part of the paperwork you gave him?

18 A. Yes, I gave him an envelope and the papers
19 signed and everything.

20 Q. Uh-huh.

21 A. And I went right ahead and voted for the
22 person, and like I said, I don't even know who I voted
23 for.

24 Q. Was it a person that that young man suggested?

25 A. Yeah.

Trial on the Merits
July 6, 2010

1 Q. So they were there to ask you to vote for
2 somebody, and then they took the paperwork and said
3 they'd mail it?

4 A. Right.

5 Q. Do you remember one way or another, Mr.
6 Martinez -- and I'm not trying to put words in your
7 mouth or anything -- but do you recall whether this
8 envelope was sealed or not sealed when you gave it to
9 him?

10 A. If I remember right, it wasn't sealed.

11 Q. I'm sorry, I didn't understand you.

12 A. I said, if I remember right, I don't think I
13 sealed it.

14 Q. You don't think you sealed it?

15 A. I'm not sure, though, but I don't think so.

16 Q. All right. Well, it's such a --

17 A. It's been so long that I just can't remember.

18 Q. Such a small act months ago. You do recall
19 signing one of these; is that correct?

20 A. Yeah, I did sign it.

21 Q. Okay. And that would be your -- is that your
22 signature?

23 A. That is mine.

24 Q. Okay.

25 (Contestant's Exhibit No. 22 marked.)

Trial on the Merits
July 6, 2010

Page 240

1 MR. WYDE: We'll offer Contestant's 22.

2 MR. WOOD: No objections, Your Honor.

3 THE COURT: Admitted.

4 MR. WYDE: No further questions. Thank
5 you, Mr. Martinez, for your time today. They may have
6 some questions.

7 MR. WOOD: No questions, Your Honor.

8 THE COURT: You may step down.

9 THE WITNESS: Thank you.

10 MR. WYDE: Lucina Olvera. They're calling
11 them.

12 MR. RICH: What's the name?

13 THE BAILIFF: Lucina Olvera.

14 MR. WYDE: Thank you, Mr. Martinez.

15 MR. RICH: Thank you, senior. Have a good
16 day.

17 THE WITNESS: Thank you.

18 MR. RICH: Thank you, sir.

19 MS. WOERTENDYKE: It's going to be number
20 13 on page 11.

21 LUCINA OLVERA,

22 having been first duly sworn, testified through the duly
23 sworn interpreter as follows:

24 DIRECT EXAMINATION

25 BY MR. WYDE:

Trial on the Merits
July 6, 2010

1 Q. Tell us your name, please, ma'am.

2 A. Lucina Olvera.

3 Q. Okay. Ms. Olvera, do you live at 3314
4 Cherrywood?

5 A. Yes.

6 Q. In February of this year, do you recall anyone
7 coming to your home to help you to vote?

8 A. I do remember a Mexican person that came over
9 to help me.

10 Q. Okay. And was he -- was it a male or a female?

11 A. A man.

12 Q. And do you remember their name, or did they
13 give you their name?

14 A. I don't remember.

15 Q. Do you often vote by mail?

16 A. Only I got an envelope, I got a blue
17 envelope -- no, a green envelope, and I opened it and
18 then I voted. I voted for Medrano and other Spanish
19 names who I didn't know.

20 Q. Was anyone -- did anyone come to your home and
21 assist you in that voting?

22 A. No, I did it all and I put it in the mail, but
23 I -- it was returned to me because I didn't do it right.
24 I didn't sign it. And then I got another envelope about
25 -- I would think about three months and it was a green

Trial on the Merits
July 6, 2010

Page 242

1 envelope. Then I -- when it got there, I put it on top
2 of the couch. I left it on top of one of the cushions,
3 but since nobody came the way they usually come,
4 afterwards, I thought I -- well, it's been a long time
5 and so I was cleaning, and I think I may have thrown it
6 out.

7 Q. Okay. Do you remember ever telling anyone else
8 that a Hispanic man came to your home and helped you in
9 voting?

10 A. Yes, my husband, he was sick for about 15 years
11 and I was his nurse to him. He's already passed away.
12 And so there was a man that offered to help. Once we
13 would have the envelope in our house, then he offered to
14 help us.

15 Q. And did that happen in this past March or
16 February?

17 A. No, that was -- my husband passed away three
18 years ago, and so when my husband was still living, he
19 came for many years to help him.

20 MR. WYDE: No further questions.

21 MR. WOOD: No questions, Your Honor.

22 THE COURT: You may step down.

23 MR. WYDE: Ms. Jesus-Salinas.

24 MS. WOERTENDYKE: That's the third one from
25 the bottom on page 11.

Trial on the Merits
July 6, 2010

Page 243

1 THE COURT: Were you sworn in before?

2 (Interpreter translating)

3 THE WITNESS: Yes, when we got here.

4 THE COURT: Okay.

5 MARIA JESUS-SALINAS,

6 having been first duly sworn, testified through the duly
7 sworn interpreter as follows:

8 DIRECT EXAMINATION

9 BY MR. WYDE:

10 Q. Ms. Jesus-Salinas, do you live at 4730 Belmont
11 Avenue?

12 A. Yes.

13 Q. And do you recall anyone coming to your home
14 back in January or February talking to you about voting?

15 A. Yes. Yes, somebody went.

16 Q. Does that happen very often?

17 A. He has gone by two or three times, but the last
18 time, I think it seems like it was in March I put it in
19 the mail.

20 Q. Who is Norma Estrello?

21 A. That's my daughter.

22 Q. Okay. And this young man that came by, may I
23 ask you what he said to you or offered to help you with?

24 A. One of the times, he took these papers, and
25 then another time, they came in the mail and then he

Trial on the Merits
July 6, 2010

1 came by and asked me if I had already prepared them and
2 he came by to pick them up.

3 Q. Okay. And did you give them to him?

4 A. Yes, he came by to pick them up and I told him,
5 no, it says here that it's by mail, and he says, no, no,
6 no, I'm going to take them, so I gave it to them.

7 THE COURT: Was that this year, or was that
8 sometime before?

9 THE WITNESS: I think he came by one time
10 this year. I just don't remember the month.

11 MR. WYDE: May I approach the witness?

12 THE COURT: (Moving head up and down.)

13 Q. (BY MR. WYDE) Ms. Jesus-Salinas, do you recall
14 if the young man took this kind of an envelope from you?

15 A. Yes, he sealed it, he told me to sign it here,
16 and he took it.

17 Q. Okay. And you think he sealed it?

18 A. I had closed it. I closed it.

19 Q. Okay. The other document, if you recall, was
20 this the type of document he may have taken from you, if
21 you recall, the application for the election papers?

22 A. I -- listen, I don't remember.

23 Q. Okay.

24 A. I don't know if it was that.

25 Q. Okay.

Trial on the Merits
July 6, 2010

Page 245

1 (Contestant's Exhibit No. 23 marked.)

2 MR. WOOD: No objection to 23.

3 THE COURT: Admitted.

4 Q. (BY MR. WYDE) Thank you, Ms. Jesus-Salinas.

5 A. Thank you very much.

6 THE COURT: Just one moment. Any
7 questions?

8 MR. WOOD: No, Your Honor. I'm sorry.

9 THE COURT: Let me make sure I've got --
10 talking about this year, did the young man, did he take
11 an envelope like the yellow one in front of you after
12 you had sealed it and signed it?

13 THE WITNESS: Yes, he did take it.

14 THE COURT: Okay. Thank you. Thank you.
15 You may step down.

16 MS. WOERTENDYKE: Number 14 at the top of
17 page 12.

18 MR. WYDE: Is that Estela?

19 MS. WOERTENDYKE: Yes.

20 THE COURT: Do we have a chair still on the
21 floor?

22 ESTELA TREVINO,

23 having been first duly sworn, testified through the duly
24 sworn interpreter as follows:

25 DIRECT EXAMINATION

Trial on the Merits
July 6, 2010

1 BY MR. WYDE:

2 Q. Please tell us your name, Ms. Trevino.

3 A. Estela Trevino.

4 Q. And do you live at 2214 Annex here in Dallas?

5 A. Yes.

6 Q. Ms. Trevino, do -- or did anyone come by your
7 home and offer to help you with voting earlier this
8 year?

9 A. Yes.

10 Q. Did you go out of town sometime during the
11 period that you had the election papers?

12 A. I don't remember.

13 Q. Do you recall the name of the young man that
14 came by and offered to help you in voting?

15 A. No.

16 Q. Was he a younger person or older?

17 A. Well, like middle. Not very young, not very
18 old.

19 Q. Did you give the young man any of the election
20 papers?

21 A. What do you mean? Do you want to say for him
22 to take them?

23 Q. Yes.

24 A. Yes, I did give it to him because I can't go
25 out.

Trial on the Merits
July 6, 2010

1 Q. Yes, ma'am. Do you recall -- or excuse me, do
2 you remember giving him an envelope like this one?

3 A. Yes.

4 Q. Okay. And do you recall -- excuse me, do you
5 remember whether it had been closed or not?

6 A. I don't remember.

7 Q. Okay. Do you know what a ballot is?

8 A. No.

9 Q. The list of people you can vote for.

10 A. Only the ones that had Spanish names.

11 Q. Yes, ma'am. Did -- was that list or piece of
12 paper in this envelope?

13 A. Yes.

14 Q. And is that what you gave to the young man?

15 A. Yes. Yes, everything that was in the paper.
16 Everything that was in the envelope, yes.

17 Q. Did you actually fill out any of the paperwork
18 or just give him all of it?

19 A. I just gave it to him.

20 Q. Ms. Trevino, is this your signature?

21 A. Yes.

22 (Contestant's Exhibit No. 24 marked.)

23 MR. WOOD: No objection to 24.

24 THE COURT: Admitted.

25 MR. WYDE: Thank you.

Trial on the Merits
July 6, 2010

1 Q. (BY MR. WYDE) Thank you, Ms. Trevino, for your
2 time.

3 A. Is that all?

4 THE COURT: Any questions?

5 MR. WOOD: No questions.

6 THE COURT: Thank you.

7 MR. WYDE: Judge, I apologize, we have I
8 think one left, and I'm having -- I hadn't been able to
9 locate her on the list. Because I can't find her on the
10 list, I don't know if I have any paperwork for her. If
11 I don't have any paperwork, I'm not going to call her.
12 So could I have just a moment?

13 THE COURT: Certainly.

14 MR. WYDE: Judge, I don't see her in my
15 petition, and I don't see her on the list and the only
16 other possibility is that she was subpoenaed because
17 somebody claims they live where she lives, and that's
18 the last thing I'm trying to check out, and if that
19 doesn't check out, I'll -- we'd be happy to release her
20 as soon as possible.

21 THE COURT: Okay.

22 MR. WYDE: I apologize. And I think she's
23 the last witness for today. Is that right, Sheriff?

24 THE BAILIFF: I believe you're correct,
25 sir.

Trial on the Merits
July 6, 2010

Page 249

1 MR. WOOD: Somebody go ask her her name.

2 MR. WYDE: No, no, her name -- we know her
3 name.

4 MS. WOERTENDYKE: We can't locate her on --

5 MR. WOERTENDYKE: What's her name?

6 MS. WOERTENDYKE: Barrera.

7 MR. RICH: Your Honor, may we ask when we
8 adjourn if counsel would be so kind to share with us his
9 list for tomorrow?

10 THE COURT: Certainly.

11 MR. RICH: Thank you, sir.

12 MR. WYDE: It's the last piece of paper I
13 hadn't looked at.

14 THE COURT: I'm glad it wasn't me trying to
15 find it. I never can find anything.

16 MR. WYDE: Sir?

17 THE COURT: I never can find anything when
18 I'm trying to in a hurry.

19 MR. WYDE: It's a residency matter
20 meaning --

21 MR. RICH: What's the name?

22 MR. WOOD: What's the name?

23 MR. WYDE: Well, Barrera. Oh, excuse me,
24 in your petition, the name will be Hernandez -- J.
25 Guadalupe or Carbaja-Hernandez.

Trial on the Merits
July 6, 2010

Page 250

1 MR. RICH: That's on page 3?

2 MR. WYDE: Do you know what you get --

3 MS. WOERTENDYKE: Those, I don't have.

4 MR. WYDE: Is this --

5 THE BAILIFF: J. Guadalupe-Hernandez.

6 MS. WOERTENDYKE: Hernandez? Okay. He's
7 down on -- wait a minute. He's -- Hernandez.

8 MR. WYDE: Well, I think I'd say, let me
9 ask him a couple of questions and we'll find out whether
10 it's a lawful or unlawful, and I kind of feel like
11 that's the responsibility for us to not -- I don't think
12 it's my job to hide things from you. I'm not going to
13 do that.

14 MS. WOERTENDYKE: This guy was not served a
15 subpoena. I don't know if we have paperwork on him or
16 not.

17 MR. WYDE: I think it's a relative. I
18 think he showed up for a relative.

19 MS. WOERTENDYKE: Could be.

20 MR. WYDE: Yeah. We'll try to get to the
21 bottom of it.

22 J. HERNANDEZ-CARBAJA,
23 having been first duly sworn, testified through the duly
24 sworn interpreter as follows:

25 DIRECT EXAMINATION

Trial on the Merits
July 6, 2010

1 BY MR. WYDE:

2 Q. Please tell us your name, sir.

3 A. J. Guadalupe Hernandez.

4 Q. Is your middle name Carbaja?

5 A. Carbaja is my second last name. It's J.

6 Guadalupe Hernandez-Carbaja.

7 Q. Entender.

8 MR. WYDE: That's I understand.

9 Q. Mr. Hernandez, where do you live?

10 A. Well, I lived in Guadalajara for some time, in
11 Los Angeles other time, and here sometime because I no
12 longer work. I like it here much better than in Los
13 Angeles. I changed all my insurance things.

14 THE INTERPRETER: The witness has used the
15 word "seguro" which could be insurance or could be also
16 referred to as Social Security. May the interpreter
17 inquire as to what the use is?

18 THE COURT: You may.

19 (Interpreter questioning witness)

20 THE WITNESS: Changed my Social Security
21 over there, but I don't like it.

22 MR. WYDE: Changed where he receives his
23 check?

24 A. My Social Security check, yes. I did want to
25 change from over there because I don't like it there as

**Trial on the Merits
July 6, 2010**

Page 252

1 much, and I want to change it over here, but I still
2 haven't done it because I don't have a permanent
3 address.

4 Q. Okay. How much time each year do you spend in
5 Guadalajara?

6 A. Well, about six months. I went back in
7 December and then I came back in May for three days and
8 then I came back in June.

9 Q. How much time do you spend in Los Angeles?

10 A. One month or two or -- I don't really like it
11 over there. There's too many earthquakes over there. I
12 like it over here better. It's more like a town here,
13 than Los Angeles, over there is not.

14 THE COURT: Okay. Let's wait until the
15 next question, please.

16 Q. (BY MR. WYDE) So if I understand correctly,
17 Mr. Hernandez, you spent from December of last year
18 until May of this year in Guadalajara?

19 A. No, I was part of the time and part of the time
20 in Los Angeles.

21 Q. Okay. And then when did you get to Dallas
22 beginning this year?

23 A. I came on the 9th, 10th -- well, I was here for
24 three days and then I went back to Guadalajara.

25 Q. The 9th and 10th of which month?

Trial on the Merits
July 6, 2010

1 A. And I came back like on the 14th of June.

2 Q. Do you have a driver's license or
3 government-issued identification card?

4 A. Yes.

5 MR. WYDE: May I approach the witness?

6 THE COURT: You may.

7 MR. RICH: Counsel, could you identify what
8 you're looking at, please?

9 MR. WYDE: Yeah.

10 (Sotto voce discussion between Mr. Wyde,
11 Mr. Wood, and Mr. Rich)

12 Q. (BY MR. WYDE) Mr. Hernandez, did anyone come
13 to -- excuse me, I apologize. Were you here in Dallas
14 in February?

15 A. Of this year?

16 Q. Yes.

17 A. No. No, I -- no, I left on the 19th of
18 December, and I didn't come back until --

19 Q. Until when?

20 A. In May that I came -- in May that I came for
21 three days and then I came back, and I think it was on
22 the 14th.

23 MR. WYDE: In May, he came back for three
24 days?

25 A. Yes.

Trial on the Merits
July 6, 2010

1 Q. (BY MR. WYDE) Were you here in the month of
2 March of this year any day?

3 A. No.

4 Q. Okay. May I see the driver's license once
5 more?

6 (Contestant's Exhibit No. 25 marked.)

7 Q. Is that your signature?

8 A. No. This is my signature.

9 Q. Is this your signature?

10 A. No. No, I always sign like this. This is the
11 way I always sign.

12 Q. But of course.

13 THE COURT: Are you offering that?

14 MR. WYDE: If Mr. Wood doesn't have any
15 objections first.

16 THE COURT: What number is it?

17 MR. WYDE: 23.

18 MR. RICH: 25.

19 MR. WOOD: No objections, Your Honor.

20 THE COURT: Admitted.

21 MR. WYDE: And we'll reoffer 23. Thank
22 you.

23 Q. (BY MR. WYDE) I have no further questions.
24 Thank you very much for your time, Mr. Hernandez.

25 MR. WOOD: No questions, Your Honor.

Trial on the Merits
July 6, 2010

1 THE COURT: You may be finally excused.

2 Thank you.

3 MR. WYDE: I have no need to visit with the
4 other witness.

5 THE COURT: Okay. Thank you. We will be
6 in recess until 9:00 o'clock in the morning, then. How
7 many do you have subpoenaed for tomorrow?

8 MR. WYDE: 40. 20 at 9:00 and --

9 THE COURT: We'll try to -- every 10 we'll
10 break -- if you need a break before then to -- let me
11 know, we'll do that.

12 (Proceedings recessed at 5:02 p.m.)

13

14

15

16

17

18

19

20

21

22

23

24

25

REPORTER'S CERTIFICATE

1
2 THE STATE OF TEXAS)
3 COUNTY OF DALLAS)

4 I, Larissa L. McPhearson, Certified Shorthand
5 Reporter in and for the State of Texas, do hereby
6 certify that the above and foregoing contains a true and
7 correct transcription of all portions of evidence and
8 other proceedings requested in writing by counsel for
9 the parties to be included in this volume of the
10 Reporter's Record, in the above-styled and -numbered
11 cause, all of which occurred in open court or in
12 chambers and were reported by me.

13 I further certify that this Reporter's Record of
14 the proceedings truly and correctly reflects the
15 exhibits, if any, admitted by the respective parties.

16 I further certify that the total cost for the
17 preparation of this Reporter's Record is \$ _____ and
18 was paid by Ms. Dan L. Wyde.

19 WITNESS MY OFFICIAL HAND this the 20th day of
20 August, 2010.

21 *Larissa L. McPhearson*

22 _____
23 Larissa L. McPhearson, Texas CSR 8371
24 Expiration Date: 12/31/10
25 Collins Realtime Reporting, CRF 59
c/o Court Reporters Consolidated, CRF 308
1308 Grinnel Drive
Mesquite, Texas 75150
(972)270-4711