

Trial on the Merits
July 7, 2010

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1 PROCEEDINGS

2 MR. WYDE: You asked me if I had case law,
3 and -- Chapter 86 and Chapter 87. Is that okay?

4 MR. WOOD: Sure.

5 MR. WYDE: Okay.

6 MR. WOOD: Judge, we will be filing a
7 brief -- I figured this thing was going to go quite a
8 while, so we filed a brief here either on Friday or
9 depending on when we start again next day.

10 THE COURT: Okay. All right. Call your
11 next witness.

12 MR. WYDE: Willard Jordan, Jr., please.

13 THE BAILIFF: Who is that?

14 MR. WYDE: Willard Jordan, Jr.

15 MS. SEPULVEDA: Allen.

16 THE BAILIFF: Willard Jordan, Jr.?

17 MR. WYDE: Excuse me.

18 MS. SEPULVEDA: It's Allen.

19 MR. WYDE: Who? Christine Allen?

20 MS. SEPULVEDA: Uh-huh.

21 MR. WYDE: I'm sorry, I keep looking at the
22 wrong name.

23 THE BAILIFF: Christine Allen.

24 MR. WYDE: I apologize.

25 THE COURT: What list is this on?

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1 MR. WYDE: Christine Allen.

2 THE COURT: I know, but what page?

3 MR. WYDE: I have most of these books. If
4 you'll bear with me, I'll get that section to you. It's
5 left over from a previous trial.

6 THE COURT: I'll tell you what, why don't
7 we go ahead and have everyone sworn in so we can do it
8 all at once and that'll save a little bit of time. And
9 let me ask you to just stand right there for a moment.

10 THE WITNESS: Okay.

11 THE COURT: I'll get everybody else in and
12 swear everybody in at the same time. Just have a seat
13 anywhere will be fine. I'll tell you what, you don't
14 even need to sit down if you don't want to. I just need
15 to swear everyone in and then I'm going to ask you to
16 step back outside, so -- all right. Is that everybody?

17 Now, everyone that's going to be a witness
18 in this case, if you will stand and raise your right
19 hand. Stand and raise your right hand, and I'll ask the
20 interpreter to work with us on that. Is every -- is
21 there anyone that cannot speak English?

22 (Interpreter translating)

23 THE INTERPRETER: I guess not, Your Honor.

24 THE COURT: All right. Let me ask everyone
25 to stand and raise your right hand who's going to

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1 testify.

2 (Witnesses sworn)

3 THE COURT: All right. Now, the Rule has
4 been called for. That means for those of you who are
5 waiting to testify, you must remain outside the
6 courtroom until you're called in to testify. You may
7 not discuss this case with anyone nor allow anyone to
8 discuss it with you. In addition, you may discuss the
9 case with the attorneys for either side, but that must
10 be outside the presence of any other witness, and you
11 cannot discuss even with the attorneys testimony that's
12 been given by other witnesses. Everybody understand
13 that?

14 THE WITNESSES: Yes.

15 THE COURT: Okay. At this time, if you'll
16 step outside and remain until you're called in, we'll
17 appreciate it. Ma'am, if you'll come around and have a
18 seat right up here on this high chair.

19 THE WITNESS: If I can get up here.

20 THE COURT: I understand. I'm not sure why
21 they built that so high up. And you're Christine Allen?

22 THE WITNESS: Yes, I am.

23 MS. WOERTENDYKE: She's -- Christine and
24 she's number one on the 4.8.

25 THE COURT: Page 8?

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1 MS. WOERTENDYKE: Page 8 and she's the
2 first one on the 4.8. It's kind of toward the middle of
3 the page -- just below the middle of the page.

4 THE COURT: All right.

5 MR. WYDE: I thought I'd just wait until
6 she --

7 THE COURT: All right. You may proceed.

8 MR. WYDE: Yes, Your Honor.

9 CHRISTINE ALLEN,

10 having been first duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. WYDE:

13 Q. Good morning, Ms. Allen.

14 A. Good morning.

15 Q. Yes, ma'am. Would you tell us your full name,
16 please?

17 A. My name is Christine. I go by Christine Wills
18 Allen.

19 Q. Okay. Is it A-L-L-E-N?

20 A. That's right.

21 Q. Yes, ma'am.

22 MR. WYDE: May I approach and see if that
23 microphone is turned on?

24 THE COURT: Actually, I don't think any of
25 the microphones are on. Do you know how to turn this

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1 system on?

2 THE BAILIFF: You just push that button on
3 there.

4 MR. WYDE: On the middle, see right
5 underneath it says push?

6 THE COURT: Okay. I probably don't need
7 one, but --

8 Q. (BY MR. WYDE) Ms. Allen, do you live at 20 --
9 excuse me, 2047 Canada?

10 A. Right. Yes, sir.

11 Q. And I take it that's here in Dallas?

12 A. Yes.

13 Q. Back in February of this year, there was early
14 voting for the March Democratic primary. Do you kind of
15 recall that time period?

16 A. Do I remember? No, I really don't, but --

17 Q. Have you --

18 A. -- yes.

19 Q. Have you voted in the past, you know, maybe not
20 every election that comes up, but the big ones, you
21 know, the ones for President, the ones for --

22 A. Yes.

23 Q. -- governor, maybe, that kind of stuff?

24 A. Yes, I have.

25 Q. And you know -- probably know the difference

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1 between a primary which is in the spring for the parties
2 and then the general election maybe in November?

3 A. Yes.

4 Q. Okay. So we're -- I'm kind of trying to ask
5 you a little bit about the primary back in -- it was the
6 -- March 2nd of this year, and I looked at some records
7 and I understand you may have voted by mail; is that
8 correct?

9 A. I voted -- no, someone came out. I voted
10 absentee.

11 Q. Okay. And in voting absentee, when you say
12 someone came by, would you tell us about that?

13 A. Yes. I had received a package. I never did
14 fill it in who I wanted to vote, so this person came out
15 and I told them I -- he asked me did I get the, you
16 know, the paper that was sent, and I told him, yes, I
17 did.

18 Q. Okay.

19 A. And I did not do -- when he came, I told him I
20 was going, he asked me how did I want to vote. I said I
21 wanted to vote Demo all the way, Democratic.

22 Q. Uh-huh.

23 A. Uh-huh.

24 Q. And no one's asking you -- if you will, we
25 respect your privacy and I'm certainly not -- I don't

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1 think Mr. Wood is -- no one's asking you to tell us who
2 you voted for, okay?

3 A. Oh, okay.

4 Q. I mean, that's your privilege, that's your
5 right.

6 A. Right.

7 Q. We're not here to inquire into that. However,
8 when the person came by to -- did they help you or
9 assist you in any way?

10 A. No. I did it. I went on and picked who I
11 wanted to be Democrat, and I was going down the line and
12 I was pointing out to -- he was marking it off for me,
13 and I said, I'm only going Democratic.

14 Q. Yes, ma'am.

15 A. Uh-huh.

16 Q. Well, this -- I suspect in the ballot that you
17 had, it was all Democrats, was it not?

18 A. Yes, it was.

19 Q. Okay. And was that person making the marks?

20 A. Yes, sir.

21 Q. They were making the marks as you were telling
22 them?

23 A. Yes, sir.

24 Q. Okay. May I ask you if you recognize this kind
25 of an envelope, this green --

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1 A. That's it.

2 Q. Okay. You received those in the mail?

3 A. I sure did.

4 Q. Okay. And do you recall -- did you take those
5 materials after this person helped mark the ballot?
6 What did you do with those papers?

7 A. To my -- when he came out to mark my ballots
8 for me?

9 Q. Uh-huh.

10 A. Well, I don't know what I did with the paper,
11 but he took the paper.

12 Q. Oh.

13 A. The one --

14 Q. He took the paper?

15 A. Yes.

16 Q. And do you remember which campaign that person
17 said they were with?

18 A. No, sir.

19 Q. Okay. Do you -- did they introduce themselves
20 to you?

21 A. Yes, they did.

22 Q. And do you recall any of their name -- remember
23 any of their names?

24 A. I can't -- no, I don't.

25 Q. Okay.

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1 A. But he did introduce himself to me.

2 Q. Ms. Allen, is this your signature here?

3 A. Which one is --

4 Q. Oh, yeah, take your time, ma'am.

5 A. Okay. Yes, sir.

6 Q. Okay. But that's your signature?

7 A. Yes, it is.

8 Q. Okay. And do you recognize this kind of
9 yellow/orange envelope?

10 A. I think this is the one that he put my votes
11 in.

12 Q. Uh-huh.

13 A. Uh-huh.

14 Q. And he -- did he -- and then what happened with
15 that envelope? Where did it go?

16 A. He took it with him.

17 Q. He took it with him?

18 A. Yes.

19 Q. Do you know if it was sealed or not?

20 A. No, I don't.

21 Q. Don't recall?

22 A. No, sir.

23 Q. May have been, may not have been?

24 A. Right.

25 Q. Okay. If you'll bear with me, Ms. Allen.

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1 A. I sure will.

2 Q. Can you -- do you remember any of the
3 description, just general terms, is this a younger
4 person?

5 THE COURT: Just one moment.

6 UNIDENTIFIED WITNESS: Is this the right
7 court for Medrano?

8 THE COURT: Medrano, yes.

9 THE BAILIFF: Yes, it is.

10 UNIDENTIFIED WITNESS: Okay.

11 THE BAILIFF: Wait outside. We'll be with
12 you in a few minutes.

13 UNIDENTIFIED WITNESS: Okay.

14 THE COURT: Thank you.

15 (Contestant's Exhibit No. 26 marked.)

16 Q. (BY MR. WYDE) Ms. Allen, I'm going to show
17 this document back to you on this projector --

18 A. Okay.

19 Q. -- just to make sure it's the same one you were
20 telling me about. Is that the one that's your
21 signature?

22 A. Yes, sir.

23 Q. Okay.

24 MR. WYDE: And Judge, we'll offer what's
25 been marked as Contestant's 26 to Mr. Wood and ask to be

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1 submitted as evidence.

2 MR. WOOD: No objection, Your Honor.

3 THE COURT: Admitted.

4 MR. WYDE: Thank you.

5 Q. (BY MR. WYDE) Ms. Allen, you remember I asked
6 you if it had been sealed -- the envelope had been, you
7 know, closed shut with the glue or not closed shut?

8 A. Sir, I do not remember whether it was sealed or
9 closed.

10 Q. Okay.

11 MR. WYDE: Judge, we simply point out
12 that -- if I could have just a minute.

13 Q. (BY MR. WYDE) Does that help you in figuring
14 it out, or do you -- I don't want to put any words in
15 your mouth, but you see when the flap is closed, the X
16 lines up?

17 A. I really don't remember what he did when he did
18 it.

19 Q. Okay. Now, could you describe that individual?
20 Was he younger, older, green, yellow, orange?

21 A. He was young, he was sort of a young guy.

22 Q. Was he Caucasian, was he African-American?

23 A. African.

24 Q. He was African?

25 A. Yes.

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1 Q. Was his name Mark Baker?

2 A. Hmm. You know, sir --

3 Q. Just don't remember?

4 A. I don't remember his name.

5 Q. I --

6 A. But I know he was, you know --

7 Q. Yes, ma'am, I don't remember my children's name
8 on occasion, so no problem.

9 MR. WYDE: Permission to publish?

10 THE COURT: Granted.

11 Q. (BY MR. WYDE) Just one last question,
12 Ms. Allen.

13 A. Okay.

14 Q. You sure you're over 65? You know, you can't
15 be.

16 A. Hey, I'll be --

17 Q. That's okay. I was just joking with you,
18 Ms. Allen.

19 MR. WYDE: No further questions, Your
20 Honor.

21 MR. WOOD: No questions, Your Honor.

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

23 And --

24 THE WITNESS: Will you assist me down off
25 the stairs?

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1 MR. WYDE: I'd be happy to.

2 THE WITNESS: Thank you so much.

3 MR. RICH: Thank you, Ms. Allen.

4 THE BAILIFF: Have a seat next to the
5 Judge.

6 THE COURT: Right up here, sir. And what
7 page?

8 MR. WYDE: Yes, sir. Mr. Allen is on page
9 8, number two under 4.8.

10 DAVID ALLEN,
11 having been first duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. WYDE:

14 Q. Good morning, Mr. Allen.

15 A. Good morning.

16 Q. Are you related to Christine Allen?

17 A. That's my wife, yes.

18 Q. Okay. And -- I thought she might be your
19 daughter there for a minute. Mr. Allen, we asked you
20 and Ms. Allen to come down to -- about -- to ask just a
21 couple of quick questions about anybody coming to help
22 you with your vote back in March or late February of
23 this year.

24 A. Uh-huh.

25 Q. Okay. Did someone come to your house at 2047

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1 Canada?

2 A. Yes, sir, sure did.

3 Q. Okay. And had you ever had people come there
4 before to help you with your vote?

5 A. I don't think so.

6 Q. Okay. Don't -- just don't remember one way or
7 the other?

8 A. No.

9 Q. Okay. Could you -- Judge is hard of hearing.
10 If you'll just speak into that right there. Thank you,
11 Mr. Allen.

12 A. Okay.

13 Q. Did you vote when your -- or did you have your
14 ballot marked when your wife had her ballot marked?

15 A. Yes, sir.

16 Q. Okay. Was there a young man or gentleman that
17 came by to help y'all do that?

18 A. A gentleman first.

19 Q. And did he tell you his name or introduce
20 himself?

21 A. He introduced himself, but I don't know what he
22 said now, really. I don't remember what he said now,
23 but he did introduce himself.

24 Q. Was his name Mark?

25 A. Mark? It might have been.

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1 Q. Was his name Baker -- last name Baker, if you
2 know?

3 A. I can't remember. I really don't.

4 Q. No problem.

5 A. Yeah.

6 Q. All right. How did this gentleman help you
7 with your ballot?

8 A. He just talked to us -- talked to us about it,
9 that's it.

10 Q. I just -- I didn't quite understand you. I'm
11 bad in this ear.

12 A. I said he talked about it, and that was it.
13 We, you know, my wife mostly was with him mostly.

14 Q. Okay. Your wife had indicated that she just
15 kind of told him who she wanted and he marked the
16 ballot.

17 A. Yes.

18 Q. How did you vote?

19 A. Same way.

20 Q. Same way?

21 A. Me and her the same way.

22 Q. Okay. And what did you do with the papers that
23 you had when you voted?

24 A. She got them.

25 Q. She got them?

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1 A. (Moving head up and down) I imagine she got
2 them all together -- all our stuff together.

3 Q. Okay. And I -- did you walk to the post office
4 and mail them?

5 A. No.

6 Q. What happened to them?

7 A. She did something. I guess she mailed them.

8 Q. Okay. Do you know whether she gave them to
9 that young man or not?

10 A. I don't know.

11 Q. You just don't know?

12 A. No, sir, I don't.

13 Q. May I ask you if that's -- if that's your
14 signature, Mr. Allen?

15 A. Yes.

16 Q. And is that your signature?

17 A. That is.

18 Q. Okay. Okay.

19 (Contestant's Exhibit No. 27 marked.)

20 Q. When you finished with your ballot, do you
21 remember or recognize this color envelope?

22 A. Uh-huh.

23 Q. The yellow kind of yellow orangy?

24 A. Yeah.

25 Q. Okay. Do you remember if your envelope was

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1 sealed or open when you signed it?

2 A. When I signed it, it was opened up.

3 Q. You think open?

4 A. (Moving head up and down)

5 MR. WYDE: We'll offer Contestant's 27 to
6 Mr. Wood.

7 MR. WOOD: No objection, Your Honor.

8 THE COURT: Admitted.

9 MR. WYDE: Permission to publish?

10 THE COURT: Granted.

11 Q. (BY MR. WYDE) Does it help you in remembering
12 it all, Mr. Allen, whether the envelope was open or not
13 when I close that flap and you look at your signature
14 versus when I open the flap and you look at it?

15 A. I can't -- not exactly, but I believe it was
16 open like that.

17 MR. WYDE: No further questions. Would you
18 like that?

19 MR. WOOD: Yes, sir, please.

20 CROSS-EXAMINATION

21 BY MR. WOOD:

22 Q. Mr. Allen, can you see that? Can you see your
23 signature there?

24 A. Yes.

25 Q. Okay. And you will notice there's an X on

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1 the -- where you're supposed to sign?

2 A. Well, I don't know -- I don't remember.

3 Q. That's all right.

4 MR. WOOD: No further questions, and I have
5 no objections to this exhibit.

6 THE COURT: Admitted. You may step down.
7 Thank you, sir.

8 THE WITNESS: Yes, sir. Thank you. Is
9 that all?

10 THE COURT: Yes, sir.

11 MS. WOERTENDYKE: Cole is going to be on
12 page 9 about a third of the way down. Number 15 down on
13 page 9.

14 COREAN COLE,
15 having been first duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. WYDE:

18 Q. Good morning, Ms. Cole.

19 A. Good morning.

20 Q. How are you doing?

21 A. I'm fine. How about you?

22 Q. I'm doing okay.

23 A. Good.

24 Q. Ms. Cole, we asked you to come down to just ask
25 you a couple of questions about the election back in

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1 March and maybe your absentee voting.

2 A. Okay.

3 Q. Do you recall voting in absentee back in
4 probably late February?

5 A. Yes.

6 Q. Okay. Had you done that in other elections in
7 the past?

8 A. Yes.

9 Q. Okay. You see the green envelope in front of
10 you?

11 A. Yes.

12 Q. Does -- is that the materials that kind of come
13 to your house from year to year --

14 A. Yes.

15 Q. -- that have the ballot and the envelopes and
16 things like that in them?

17 A. Yes.

18 Q. Okay. I'm not trying to put any words in your
19 mouth, I'm just trying to kind of steer the subject.

20 A. Okay.

21 Q. So if I -- you know, I just want to hear it
22 from you, so to speak, okay?

23 A. Okay.

24 Q. Did anyone come to your house or your -- where
25 you live to assist you in voting your ballot?

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1 A. No. No.

2 Q. Okay. Do you live, Ms. Cole, at 1834 Homeland?

3 A. Yes.

4 Q. And how did -- how did you get your ballot back
5 to the elections folks?

6 A. The guy that came, I signed it, sealed it, and
7 gave it back to him.

8 Q. Okay. Okay.

9 MR. WYDE: May I approach?

10 THE COURT: You may.

11 (Contestant's Exhibit No. 28 marked.)

12 Q. (BY MR. WYDE) The person that came, can you
13 describe them? Were they orange, had a horn in the
14 middle of their head?

15 A. No. He was a black male.

16 Q. Uh-huh.

17 A. Kind of heavysset.

18 Q. Okay. Did he introduce himself to you?

19 A. Yes.

20 Q. And do you know -- remember his name?

21 A. The first name. The first name.

22 Q. What would that be?

23 A. Michael.

24 Q. Michael?

25 A. Yes.

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1 Q. Okay. Don't recall any of the last name?

2 A. No. No.

3 Q. Okay. Could have been a Mark, could it?

4 A. Like Mark, the name?

5 Q. No, Mark. First name Mark.

6 A. No.

7 Q. Okay. Would this be your signature, Ms. Cole?

8 A. Yes.

9 Q. May I ask you, are you sure you gave that
10 envelope to him?

11 A. Yes.

12 Q. Okay.

13 A. Yes.

14 Q. Yes, ma'am. I don't suppose he was a relative?

15 A. No. No.

16 Q. Didn't live with you?

17 A. No.

18 MR. WYDE: We'll offer 28.

19 MR. WOOD: No objection, Your Honor.

20 THE COURT: Admitted.

21 MR. WYDE: Permission to publish?

22 THE COURT: Granted.

23 MR. WYDE: Just for the record, I'm trying
24 to keep all that paper separate, so that's why --

25 because we want at the end of the day to make sure that

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1 she has all of the exhibits.

2 Q. (BY MR. WYDE) Thank you for your time this
3 morning, Ms. Cole.

4 A. Oh, you're welcome.

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

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

7 Is this witness finally released?

8 MR. WOOD: Yes, Your Honor.

9 MR. WYDE: Yes.

10 THE COURT: You may go home, then. Thank
11 you.

12 THE WITNESS: Okay.

13 THE BAILIFF: Maria Ramirez?

14 MR. WYDE: This is working out a little bit
15 smooth.

16 MS. WOERTENDYKE: Page 7, she's 10 from the
17 bottom, okay?

18 MR. RICH: Page 7?

19 MS. WOERTENDYKE: Page 7, she's 10 from the
20 bottom.

21 THE COURT: And who is this, I'm sorry?

22 MR. WYDE: Ms. Ramirez, page 7, 10 from the
23 bottom.

24 THE COURT: Yeah, I got that far. I'm just
25 trying to find Ramirez.

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1 MS. SEPULVEDA: Your Honor, she's not on
2 that list that I gave you. She was subpoenaed for
3 tomorrow and she wouldn't be able to come.

4 THE COURT: Okay. Thank you.

5 MR. WYDE: Hey, Judge, anytime they show
6 up, I can't look a gift witness --

7 THE COURT: I understand. First name?

8 MS. SEPULVEDA: Maria.

9 MS. WOERTENDYKE: Maria.

10 THE COURT: Maria.

11 MR. WYDE: Ms. Ramirez --

12 THE WITNESS: Yes.

13 MR. WYDE: -- would you come over here,
14 please?

15 THE WITNESS: Sure.

16 MR. WYDE: Thank you. That's the bailiff's
17 chair.

18 THE WITNESS: Oh, I'm sorry.

19 MR. WYDE: He's got it nice and warm, kind
20 of the way he likes it.

21 THE WITNESS: Oh well, I should have gone
22 over there. Does he have any coffee over there?

23 MR. WYDE: I like her.

24 THE COURT: You know, I don't know, but
25 I've got to find out soon.

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MR. WYDE: May I?

THE COURT: You may.

MARIA RAMIREZ,

having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. WYDE:

Q. Good morning, Ms. Ramirez.

A. Good morning, sir.

Q. Do you live at 915 Cameron?

A. Yes.

Q. And we asked you to come today to see if you could remember some things about the election back in March and the absentee or mail-in voting --

A. Yes, sir.

Q. -- in February. Did you vote by absentee, if you recall?

A. Yes, sir.

Q. Okay. Have you done that in the past?

A. I started, I think, three, four years ago.

Q. Yes, ma'am.

A. I didn't ask for -- to -- somebody to send me the ballot. The gentle -- a gentleman came by my house and said would I like to have the -- was I going to vote and would I like the absentee vote. I said, well, that's a good idea. And then soon after that, I got the

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1 absentee forms.

2 Q. And when you got the forms, did that gentleman
3 come back by?

4 A. He came back and offered to help me fill it
5 out.

6 Q. And did he?

7 A. No. I had filled out my own forms.

8 Q. Okay. And what did you do with the forms after
9 you filled them out?

10 A. I put them in my mailbox and sent them off.

11 Q. Okay. Never gave them to the gentleman to mail
12 for you or anything?

13 A. Oh, no, no.

14 Q. Okay. Did that individual bring one of these
15 types of papers by to help you get the forms, if you
16 recall?

17 A. No.

18 Q. Okay. Do you -- is that your signature down
19 here in the bottom?

20 A. No, sir.

21 Q. That's not?

22 A. No.

23 Q. Is this your signature?

24 A. Yes, sir.

25 Q. That one is?

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1 A. Yes, sir.

2 Q. Okay. May I put these up on that big screen
3 for everyone else to see?

4 A. Okay.

5 (Contestant's Exhibit No. 29 marked.)

6 Q. Okay. I was showing you this one just a second
7 ago, is that right, Ms. Ramirez?

8 A. Yes.

9 Q. Okay. Then I showed you this one, too,
10 correct?

11 A. Yes, sir.

12 Q. Okay. Without putting any words in your mouth,
13 which one is your signature?

14 A. The bottom one.

15 Q. This one?

16 A. Yes, sir.

17 Q. Okay. That --

18 MR. WYDE: For the record, she's referring
19 to the carrier envelope.

20 Q. (BY MR. WYDE) May I ask about this one up
21 here, the app -- this --

22 MR. WYDE: For the record, the application,
23 MIB.

24 Q. (BY MR. WYDE) You're sure that's not your
25 signature?

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1 A. Yes, sir.

2 Q. Do you recall the person that came by to try to
3 take or help you with your materials?

4 A. There's been several people.

5 Q. Yes, ma'am.

6 A. I remember kind of slightly the last one, but I
7 mean, there has been several people that come by before
8 the voting time --

9 Q. Yes, ma'am.

10 A. -- and then afterwards to try to help me with
11 the forms.

12 Q. Were they men or women?

13 A. They were men.

14 Q. Okay. And are -- do any of these papers -- are
15 any of those folks -- resemble who came by?

16 A. No.

17 Q. Okay. Do you know which campaign -- did they
18 tell you which campaign or candidate they were kind of
19 working for?

20 A. I think one time they did. It was an older
21 gentleman came by and he came by and wanted me --
22 Paulina (sic) Medrano was running and his opposition --
23 her opposition was a white gentleman. I don't remember
24 his name. But they wanted me to vote for him because he
25 was -- he was going to do more for our area than Paulina

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1 would do. He felt that Paulina had been in office too
2 long and wasn't doing what she was for -- in to do.

3 Q. Thank you. Thank you, Ms. Ramirez.

4 A. You're welcome.

5 THE COURT: Any questions?

6 MR. WOOD: Yes, I do.

7 MR. WYDE: I can't get this light to come
8 back on (talking about projector).

9 CROSS-EXAMINATION

10 BY MR. WOOD:

11 Q. Ms. Ramirez, can you see that?

12 A. Yes, sir.

13 Q. Okay. Do you know, this signature here, how
14 you do the end of your --

15 A. Yes, sir.

16 Q. -- signature with this loop?

17 A. Yes, sir.

18 Q. That's the way you signed your name?

19 A. Yes.

20 Q. Okay. Now, on this particular signature, do
21 you see this same loop?

22 A. Yes, sir.

23 Q. Okay.

24 MR. WOOD: No further questions, Your
25 Honor.

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1 THE COURT: Anything further?

2 MR. WYDE: No.

3 THE COURT: You may step down.

4 THE WITNESS: Okay. Thank you.

5 MR. WOOD: And I have no objections to
6 Exhibit 29.

7 THE COURT: Admitted. You're finally
8 excused. Thank you very much.

9 THE WITNESS: Okay. Thank you. Y'all have
10 a good day.

11 THE COURT: Thank you.

12 MS. SEPULVEDA: Robert Foster.

13 THE COURT: If you'll come around up here,
14 sir, and have a seat on this chair just to my right.

15 MS. WOERTENDYKE: I'm sorry, Judge, I don't
16 know where this gentleman is located on our sheets.

17 MR. WYDE: It's going to be an under the
18 flap. May we have a moment?

19 THE COURT: You may.

20 MR. WYDE: Okay.

21 ROBERT FOSTER,
22 having been first duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. WYDE:

25 Q. Good morning, Mr. Foster.

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1 A. Good morning.

2 Q. Do you live at 1718 Canada?

3 A. Yes.

4 Q. And Mr. Foster, do you recall the election back
5 in March and kind of February with the absentee voting
6 of this year?

7 A. Yes.

8 Q. Have you ever voted absentee or by mail before?

9 A. No.

10 Q. You had not?

11 A. No.

12 Q. Was this the first year?

13 A. Yes.

14 Q. Did anyone come by your home to assist you
15 in -- with the ballot materials?

16 A. It was a couple of people come by, but they was
17 -- come to help me, but I didn't want no help.

18 Q. Okay. And when you voted -- well, what did you
19 do with the envelope, if you remember?

20 A. I mailed it. I mailed it.

21 MR. WYDE: Y'all find it?

22 MR. WOERTENDYKE: Page 13.

23 MR. WYDE: Page 13.

24 MR. WOOD: Okay. Thank you.

25 Q. (BY MR. WYDE) Is this your signature,

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1 Mr. Foster?

2 A. It looks like it.

3 Q. Okay. And you -- did you put the envelope in
4 the mail yourself, or did you -- did someone offer to
5 mail it for you?

6 A. I put it in myself.

7 Q. You did?

8 A. (Moving head up and down)

9 Q. Okay. Did you have someone come by and help
10 you get those materials, or how did the election
11 materials show up at your house, if you recall -- if you
12 remember?

13 A. How did they show up?

14 Q. Uh-huh. Did they just come in the mail one
15 day?

16 A. They came in the mail, yeah.

17 Q. Okay. Is this your signature on this page?

18 A. Yes, that's mine.

19 Q. Okay. Can you ex -- help me here, because
20 generally, you have to send in an application in order
21 for the materials to be mailed to you.

22 A. I didn't send in an application myself.

23 Q. You didn't send in an application?

24 A. (Moving head side to side)

25 Q. You're sure about that?

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1 A. Uh-huh.

2 Q. And are you sure that nobody came by to offer
3 to get those materials for you?

4 A. I'm not sure about that. Not by mail -- I
5 don't know.

6 Q. Okay. Would you sign something that you --
7 well, you just don't remember --

8 A. I just don't remember that.

9 Q. Okay.

10 A. A lot of people come by and then, you know --

11 Q. Uh-huh.

12 A. -- just --

13 Q. Is that generally around -- a little bit before
14 election time?

15 A. Yeah, a bunch of people come by.

16 Q. What do they -- what do they say to you when
17 they come? Are they offering to mow the lawn?

18 A. No.

19 Q. What do they want?

20 A. Want you to vote for this person or this
21 person, tell you this person is okay and this person's
22 okay.

23 Q. Okay. Did anybody do that when you had your
24 ballot?

25 A. No. No.

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1 Q. Okay. Thank you, Mr. Foster.

2 MR. WOOD: No questions, Your Honor.

3 THE COURT: You may be finally excused.

4 Thank you, sir.

5 THE WITNESS: Thank you.

6 MS. SEPULVEDA: We're back up to Bobbie
7 Brackens, alphabetically. She showed up, sir.

8 MR. WYDE: Thank you, Mr. Foster.

9 THE WITNESS: Uh-huh.

10 MR. RICH: Thank you, sir.

11 THE WITNESS: Thank you.

12 MR. RICH: Have a good evening.

13 THE WITNESS: Uh-huh.

14 THE COURT: What page?

15 MS. WOERTENDYKE: Page 8, third from the
16 bottom.

17 THE BAILIFF: There's a chair over there
18 next to the Judge behind the court reporter, and you'll
19 go sit in that chair.

20 THE COURT: Right over here, ma'am.

21 THE BAILIFF: Right over there where the
22 Judge said. No, ma'am, other chair.

23 THE COURT: Over on this side.

24 THE BAILIFF: That side over there.

25 THE COURT: Be careful in getting up there.

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1 Were you sworn in this morning?

2 THE WITNESS: Yes, sir.

3 THE COURT: Okay. Thank you.

4 BOBBIE BRACKENS,

5 having been first duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. WYDE:

8 Q. Good morning, Ms. Brackens, how are you?

9 A. Good morning.

10 Q. Thank you for coming down today.

11 A. Yes, sir.

12 Q. I have a couple of questions about your voting
13 or the election back in March --

14 A. Yes, sir.

15 Q. -- of this year in the Democratic primary, and
16 no one's here to ask you about how you voted, we're just
17 here to ask if anybody offered to help you vote. Had
18 you voted absentee or by mail in the past?

19 A. Well, yes, someone comes to the home and
20 they -- we vote.

21 Q. Okay.

22 A. And that's the way I voted this year.

23 Q. Okay. Okay. Can you describe or tell us if
24 you know this person's name that comes by to offer this
25 service?

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1 A. No, I don't, but I know she works with the
2 voting, those -- you know, the voting foundation.

3 Q. The voting foundation?

4 A. Or that's what she told me, she works with it,
5 and the man also -- I have been to the place where he
6 works and people go there and vote at the school in West
7 -- Dallas West C.F. -- C., in sign, F., in sign, Carr
8 School and he -- well, he helped me to vote.

9 Q. Could you repeat the name of the business?

10 A. The what?

11 Q. The C -- I didn't understand your comment. The
12 man that helps you to vote.

13 A. Yes, he works with the voting where you go to
14 vote in the Dallas West. I'm from Dallas West.

15 Q. Uh-huh. Uh-huh. Is that a school?

16 A. Yes, sir.

17 Q. That you -- the polling location?

18 A. Yes, one part of it. One room of the school --

19 Q. Yes, ma'am.

20 A. -- is where they vote.

21 Q. What school is that in Dallas West, if you
22 remember?

23 A. It's C., in sign, F., in sign, Carr School --
24 the other way is C.F. Carr School.

25 Q. C.F. Carr?

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1 A. Yes, School.

2 Q. Okay. Is it C-A-R-R?

3 A. Yes, sir.

4 Q. Yes, ma'am. Okay. Is that an elementary or
5 high school?

6 A. Elementary school.

7 Q. Okay. So real young kids go there? The real
8 young kids?

9 A. Yes. Yes.

10 Q. Is that where they go to school?

11 A. Yes.

12 Q. And what -- do you remember what street it's
13 on, by any chance?

14 A. I know one street is Bayside.

15 Q. Bayside?

16 A. Bayside Street.

17 Q. Yes, ma'am. And --

18 A. And the other street -- the other side is
19 Bickers. Bickers Street.

20 Q. And the man that -- or the lady that came to
21 your home, can --

22 A. Yes, she told me she lives in the West, so I
23 don't know -- it's over on, I think, Harry Hines, she
24 told me. Harry Hines.

25 Q. When they -- was her name Ms. Tyler?

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1 A. I think that's her name, Tyler, yes.

2 Q. Okay. How did she help you vote?

3 A. Well, they sent a let -- through the post, the
4 mail, she -- they sent the voting ballot -- the letter
5 to me, and when she came in, she asked me had I received
6 the voting ballot, the letter, and I told her, yes, and
7 she asked me if she could help me to vote, and she did.

8 Q. And how did she help you, Ms. Brackens?

9 A. Well, we marked it off with an ink pen in the
10 circle for whom we -- was running for office --

11 Q. Yes, ma'am.

12 A. -- and picked one.

13 Q. Did she -- did you know all those people on
14 that ballot?

15 A. No, I don't know people --

16 Q. Right.

17 A. -- who run for office.

18 Q. Did she, the person there, Ms. --

19 A. Electing people.

20 Q. Ms. Tyler, is that her name?

21 A. Yes, that's her name. A colored lady?

22 Q. Uh-huh.

23 A. Yes.

24 Q. Is her first name SeGwen?

25 A. Yes.

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1 Q. Kind of an unusual first name.

2 A. Yes.

3 Q. Am I putting words in your mouth, or is that
4 what you remember?

5 A. Yes, I think that's her name, Ms. Tyler.

6 Q. Okay. And --

7 A. I don't remember her first name.

8 Q. Okay. Do you recognize these different colored
9 envelopes?

10 A. Yes, sir. Yes, sir.

11 Q. Are those the materials that came to the house?

12 A. Yes, sir.

13 Q. Okay. And so since you're maybe not too
14 familiar with all those names on that -- on the ballot
15 or the paper with the names on it --

16 A. Yes.

17 Q. -- did Ms. Tyler make some suggestions to you?

18 A. Well, she said she -- she asked me who did I
19 want to vote for and we just agreed to work together to
20 mark the -- because you know, it's a circle and ink pen.

21 Q. How do you work together?

22 A. We just -- well, we voted together there --
23 everybody runs for office, we chose one.

24 Q. Uh-huh. Uh-huh.

25 THE COURT: Ma'am, let me ask you

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1 something: When you say we chose, did you choose and
2 tell her, or did y'all talk about it and she suggest
3 somebody and you say okay or no, I don't want to do
4 that, or -- tell me exactly how that worked.

5 THE WITNESS: Well, when the list of names
6 of where the people's name is on the -- was on the
7 ballot, she asked me which one would I -- was I -- would
8 I vote for. I said, I -- well, I choose this person,
9 and she sometimes said -- and she also said, this is
10 another person I know and would you vote for him, and I
11 agreed. I did vote.

12 THE COURT: Okay.

13 THE WITNESS: Yes.

14 Q. (BY MR. WYDE) You're able to sign your name,
15 is that correct, Ms. Brackens?

16 A. Yes.

17 Q. And you -- I don't see where on any of the
18 papers that -- where you requested the ballot, you
19 didn't say you were disabled.

20 A. I'm not disabled yet.

21 Q. Right. Now, I don't think you're over 65,
22 but --

23 A. My age is 73.

24 Q. Okay. Well, I'm not going to challenge that.
25 I don't mean to bring your age up. That's not polite

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1 for men to do that with women, but I do understand that
2 you're eligible to vote. Since you're over 65, you can
3 do this by mail. That's all we were kind of asking
4 about.

5 A. Yes. Yes.

6 Q. So I apologize for that.

7 A. Yes.

8 MR. WYDE: Nothing further.

9 THE COURT: Any questions?

10 MR. WOOD: No, Your Honor.

11 THE COURT: Thank you. You may be finally
12 excused.

13 THE WITNESS: Yes, sir.

14 MS. SEPULVEDA: Alma Coleman.

15 THE BAILIFF: Alma Coleman.

16 MS. SEPULVEDA: What page on the petition,
17 Clair? Clair, what page on the petition?

18 MR. WOERTENDYKE: Page 9, about the middle
19 of the page.

20 MS. WOERTENDYKE: Number 16. Ms. Coleman's
21 number 16 on that page, sir, on page 9.

22 THE COURT: I'm sorry, name?

23 MR. WYDE: Coleman.

24 MS. WOERTENDYKE: Coleman, Alma.

25 MR. WYDE: Alma.

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1 MS. WOERTENDYKE: A-L-M-A.

2 THE COURT: You know, just as a thought,
3 since most of the people that we're dealing with are
4 elderly, why don't we just leave the chair here and do
5 it from there.

6 MR. RICH: That's great, sir.

7 MR. WYDE: Fine.

8 ALMA COLEMAN,
9 having been first duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. WYDE:

12 Q. Ms. Coleman, good morning.

13 A. Good morning.

14 Q. Thank you for being able to come down today. I
15 asked you to come, Ms. Coleman, and I'm -- that's my
16 name on that piece of paper.

17 A. Yes.

18 Q. I apologize for that.

19 A. Yeah.

20 Q. But do you remember anyone coming by your home
21 to assist you in voting back in February for the
22 Democratic primary this year?

23 A. Yes, sir.

24 Q. Okay. And how did that -- how did that work?
25 What did they do?

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1 A. Just come by and my paper come through by mail,
2 and about the time the mail had come, he'd come and then
3 I signed it. Mark Baker.

4 Q. Mr. Baker?

5 A. Right.

6 Q. Okay. How did you remember his name?

7 A. Well, because I knew him pretty well, you know.
8 He lives just up from me. Not too far.

9 Q. Okay. And was this the first time you met
10 Mr. Baker?

11 A. No. We've been -- he did it once before, you
12 know, last year.

13 Q. And what does Mr. Baker do to help you vote?

14 A. He didn't do nothing but bring them papers and
15 I signed it.

16 Q. What --

17 A. He didn't bring me the paper. The paper come
18 through by mail.

19 Q. The ballot stuff comes through by mail?

20 A. Right. The paper -- what I signed came through
21 by mail.

22 Q. Okay.

23 A. And I think -- now, I think he come first and I
24 wrote my name down, I guess, and then sent it off in the
25 papers, and a couple of weeks, it come in.

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1 Q. Okay. When the papers came in, did he come
2 back?

3 A. Yes, and I signed them.

4 Q. Okay. What did you do with the papers when
5 they came back?

6 A. He took them with him when I signed them.

7 Q. You didn't jog down to the post office and mail
8 them yourself?

9 A. No.

10 Q. Okay.

11 A. I didn't mail them myself. He mailed them.

12 Q. Is this the envelope or color -- kind of
13 envelope similar that you gave him?

14 A. Right.

15 Q. One of these yellow-orange ones?

16 A. Yes. That's what he mailed back, and it went
17 -- it was dark green and -- you know, with that inside.

18 Q. Yes, ma'am. And when Mr. Baker took this kind
19 of the yellow-green one --

20 A. Uh-huh.

21 Q. -- did it have your ballot in it?

22 A. I don't know. I can't really -- all I
23 remember, I signed it.

24 Q. You just signed the envelope?

25 A. Right, I signed the papers.

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1 Q. Does Mr. Baker -- how do you -- who decides who
2 to vote for?

3 A. I don't know. I didn't write -- I don't know
4 who to vote for. I just signed it.

5 Q. You signed the envelope?

6 A. Yeah.

7 Q. And then you give him all the papers?

8 A. Yeah, he got the papers out of there.

9 Q. Okay. Did you see him do anything with those
10 papers?

11 A. No. All I know, he left the house with them.

12 Q. Okay. And do you remember, was the envelope
13 with the papers closed or open?

14 A. I can't remember on that.

15 Q. Did -- does Mr. Baker ask you to sign with a
16 clipboard on the -- with the envelope?

17 A. No. I just signed that, and I might have
18 signed some papers. I don't know.

19 Q. Okay. But you're sure --

20 A. I know I signed.

21 Q. But you're sure you gave him the envelope?

22 A. Oh, yeah, I know that.

23 Q. And you didn't know who to vote for?

24 A. No, I just signed it is all I did. I signed
25 it.

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1 Q. Is that your signature, Ms. Coleman?

2 A. Yeah, that's my name.

3 Q. You said that was your name, but is that how
4 you write your name?

5 A. Yeah, I think so.

6 Q. And do you live over on Gallagher?

7 A. Right.

8 Q. 1710 Gallagher?

9 A. Yeah, 1710 Gallagher.

10 Q. Okay.

11 (Contestant's Exhibit No. 30 marked.)

12 MR. WYDE: Contestant's 30.

13 MR. WOOD: No objection to 30.

14 THE COURT: Admitted.

15 Q. (BY MR. WYDE) Ms. Coleman --

16 MR. WYDE: May I?

17 THE COURT: (Moving head up and down)

18 Q. (BY MR. WYDE) Ms. Coleman, when Mr. Baker --
19 did he come by earlier in the year and say, we'd like to
20 help you get your election materials, and did he ask you
21 to sign a piece of paper that kind of looks like this
22 one?

23 A. I really -- I forgot that.

24 Q. On the lower right-hand side of this paper --

25 A. I can't see. Is that my writing?