



Trial on the Merits  
July 7, 2010

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P R O C E E D I N G S

THE COURT: Let me ask everyone who has been subpoenaed to stand while I raise the oath to you.

(Interpreter translating)

(Witnesses sworn)

THE INTERPRETER: Yes by all, Your Honor.

THE COURT: Thank you. Now, the Rule has been called for. That means that you'll have to remain outside in the hallway until you're called to testify. You may put your hands down. You may not discuss this case with anyone, nor allow anyone to discuss it with you. The one exception is that you may talk to the attorney for either side, but that must be outside the presence of any other witness. Even in talking with the attorneys, you may not discuss what some other witness has testified about.

Who's your first witness?

MR. WYDE: Eligio Carrasco.

THE COURT: Okay. At this time, Eligio Carrasco --

THE WITNESS: Yes.

THE COURT: -- if you'll come up, and I'll ask the remainder of you to step outside until you're called to testify.

THE BAILIFF: You want him to sit here?

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1 THE COURT: Yeah. What I've found,  
2 sheriff, is that we have so many that are elderly and  
3 infirmed. It's kind of hard for them to get up, so we  
4 just started having them sit down there.

5 THE BAILIFF: Very good.

6 MS. WOERTENDYKE: Judge, that's page 5,  
7 4.7, number 20.

8 THE COURT: You may proceed.

9 MR. WYDE: Thank you, Your Honor.

10 ELIGIO CARRASCO,  
11 having been first duly sworn, testified through the duly  
12 sworn interpreter as follows:

13 DIRECT EXAMINATION

14 BY MR. WYDE:

15 Q. Good morning, Mr. Carrasco.

16 A. Good morning.

17 Q. We have provided an interpreter for those  
18 individuals who speak both Spanish and English. Would  
19 you prefer the questions be asked in Spanish or English?

20 A. In Spanish.

21 Q. Yes, sir.

22 THE COURT: And let me -- just for the rest  
23 of the trial, the interpreter is asking in -- inquiring  
24 before so that if she's interpreting up here --

25 MR. WYDE: Okay.

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1 THE COURT: -- we know that that's what  
2 they want, and if they don't -- so we don't have to  
3 cover that with each witness.

4 MR. WYDE: Absolutely. I was not aware.

5 THE COURT: Thank you.

6 MR. WYDE: Thank you.

7 Q. (BY MR. WYDE) Mr. Carrasco, no one asked you  
8 to come here today because of any reason that you've  
9 done anything wrong or --

10 MR. WYDE: (To Interpreter) If you will.

11 Q. No one's suggesting that you need to tell us  
12 anything private or how you voted or what have you. Do  
13 you recall voting, sir, earlier this year in -- by mail  
14 or absentee ballot?

15 A. It was by mail.

16 Q. Yes, sir. Had you ever done that before?

17 A. No.

18 Q. And in voting by mail, it's common in some  
19 parts of Dallas, if you will, people will come by and  
20 knock on your door maybe and offer to help you in  
21 voting. Did that happen at your home?

22 A. That's what happened.

23 Q. Okay. And Mr. Carrasco, do you live at 515  
24 South Glasgow here in Dallas?

25 A. Yes.

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1 Q. Can you tell me a little bit about what you  
2 remember about anybody coming to your home knocking on  
3 the door and offering to help you vote?

4 A. Yes, a man came by. It was a Mexican, and he  
5 came by to tell us that we could vote, that we didn't  
6 have to go to the polling places, that we could vote  
7 right there, and we said okay.

8 Q. Okay. And had you received in the mail -- at  
9 that time, Mr. Carrasco, had you received one of these  
10 green envelopes?

11 MR. WYDE: May I, Your Honor?

12 THE COURT: Yes.

13 Q. (BY MR. WYDE) Had you received one of these  
14 green envelopes yet in the mail?

15 A. Yes.

16 Q. Okay. And do you recall whether the package of  
17 materials just either showed up at your house one day or  
18 had you known that you had requested those by mail  
19 earlier?

20 A. No. The package got there, and then later, the  
21 man came by and showed us how we could vote right there.

22 Q. Okay. How did he show you how you could vote?

23 A. Just showing us the papers, the documents that  
24 we needed to do, and then he just showed us -- asked us  
25 for certain documents, and that's how it was.

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1 Q. Okay. Did he do that maybe at the kitchen  
2 table or on the couch in the living room? Was he in the  
3 home?

4 A. At the dining room table.

5 Q. And was the ballot -- or were the materials  
6 that you received, were they in English or Spanish or  
7 both?

8 A. They were in Spanish.

9 Q. Okay. And are you able to read Spanish?

10 A. Yes.

11 Q. Okay. Do you recall, sir -- or is this your  
12 signature down here, Mr. Carrasco, down here on the  
13 lower right?

14 A. It is.

15 Q. Okay. Did you -- do you remember signing a  
16 piece of paper like that in order to receive the green  
17 envelope and its papers?

18 A. Yes.

19 Q. Did someone come by your home asking you to  
20 sign that, or do you remember how you signed that piece  
21 of paper?

22 A. He showed us the document and he just told us  
23 to sign right there and that's it.

24 Q. Okay. And when you say he, does that mean that  
25 the person came by once in order to get you to sign the

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1 piece of paper you're holding so that you could get the  
2 green envelope and then came back later and showed you  
3 how to vote?

4 MR. WOOD: Objection, Your Honor.

5 THE COURT: Sustained.

6 MR. WOOD: He didn't --

7 MR. WYDE: You're fine.

8 MR. WOOD: Facts not in evidence.

9 MR. WYDE: All right.

10 Q. (BY MR. WYDE) Mr. Carrasco, did somebody come  
11 by -- did some person come by once to help you order the  
12 documents and then a second time to discuss filling them  
13 out?

14 A. Yes, he came back.

15 Q. Okay. When he came back, can -- did -- was it  
16 just yourself that was voting, or was it maybe your wife  
17 or anyone else in your home?

18 A. Just me and my wife.

19 Q. Okay. Did she also vote, Mr. Carrasco?

20 A. She did as well.

21 Q. Okay. And can you describe the person that  
22 came by your home to -- when -- to discuss filling out  
23 the papers that were in the green envelope?

24 A. Well, it was a person that was a little bit  
25 short, a little bit shorter than me or like me.

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1 Q. Okay. Was -- were they African-American or  
2 Caucasian or Hispanic?

3 A. Hispanic.

4 Q. Did he introduce himself to you? Do you  
5 remember his name?

6 A. No, I don't remember.

7 Q. Okay. Mr. Carrasco, when you got ready to  
8 vote, can you tell us what this gentleman said to you  
9 and how the papers got filled out?

10 A. Well, no, he just told us if -- that -- I will  
11 repeat once again that he just told us that we could  
12 vote right there by mail, that we didn't have to go to  
13 the polling places and that we could just do it by mail.

14 Q. Uh-huh. And did you make the marks on the  
15 paper, or did the other person make the marks, if you  
16 will?

17 A. It was me.

18 Q. Uh-huh. And did you and he discuss or did he  
19 and your wife discuss some of the names on the paper?

20 A. Yes, he told us that the list -- there was  
21 Medrano and we voted for him.

22 Q. Okay. And then what happened to the papers  
23 after you voted for Medrano on the ballot?

24 A. Well, he just took them, and then after that,  
25 we never saw him again.

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1 Q. Yes, sir.

2 (Contestant's Exhibit Nos. 47-48 marked.)

3 Q. May I show you, sir, is this one a copy of your  
4 signature maybe from signing an envelope like this?

5 A. No, that's not.

6 Q. That's not your signature?

7 A. No.

8 Q. Okay. And you're certain, Mr. Carrasco, that  
9 you gave this individual the papers as you're -- to take  
10 away?

11 A. Yes, he took them. He took everything.

12 Q. Did he take your wife's papers, also?

13 A. Yes, we were there together. We live there  
14 together. We filled out the papers and he took them.

15 Q. Okay. And I suppose your wife heard the  
16 gentleman mention the Medrano name and maybe she voted  
17 for him, too?

18 A. She did as well.

19 Q. Okay.

20 MR. WYDE: No further questions, Your  
21 Honor. Oh, excuse me, we'll offer Contestant's 4 --

22 MR. WOOD: I have no objection to --

23 MR. WYDE: -- 8.

24 MR. WOOD: -- 48.

25 THE COURT: Admitted.

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1 MR. WOOD: I have some questions.

2 THE REPORTER: There was 47 before that.  
3 Did I mark both of those?

4 MR. WYDE: Yes. We can scratch out --

5 THE REPORTER: So make that one 47?

6 THE COURT: 47?

7 MR. WYDE: If that's acceptable to the  
8 Court.

9 THE COURT: That'd be fine.

10 MR. WOOD: Yes.

11 (Contestant's Exhibit No. 47 remarked.)

12 CROSS-EXAMINATION

13 BY MR. WOOD:

14 Q. Mr. Carrasco, I represent Mr. Medrano in this  
15 case. Did someone come to your home recently and ask  
16 you to sign a document like this?

17 A. Yes.

18 Q. I'm just asking you about your signature. Is  
19 that your signature?

20 A. It is.

21 Q. Now, on the -- I think you were asked about  
22 your signature on this document right here, and is that  
23 your signature right there?

24 A. No.

25 Q. Mr. Carrasco --

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1 THE COURT: Let the record reflect they're  
2 referring to the carrier envelope.

3 MR. WOOD: Yes.

4 Q. (BY MR. WOOD) -- I asked you to look at your  
5 signature on this affidavit and your signature on the  
6 carrier envelope. Are those similar signatures?

7 A. No.

8 MR. WOOD: Let's mark this.

9 MR. WYDE: Mr. Wood, if you want to just  
10 make that 47A -- or I mean, 47B or something, so we can  
11 keep all those together.

12 MR. WOOD: Yeah, that'd be better.

13 MR. WYDE: If that's okay with the Court,  
14 A, B, and C, D, if it's all part of the same --

15 THE COURT: That would be fine.

16 MR. WYDE: Okay.

17 (Contestee's Exhibit No. 47A marked.)

18 MR. WOOD: Your Honor, I'm offering this  
19 only for the purpose of the signature --

20 THE COURT: Admitted.

21 MR. WOOD: -- comparison. I have no  
22 objection to 40 --

23 MR. WYDE: Exhibit 47.

24 THE REPORTER: Yes.

25 THE COURT: Exhibit 47 consisting of three

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1 documents being the application, the signature --  
2 showing the signature, the carrier envelope showing the  
3 signature, and affidavit signature are admitted.

4 MR. WOOD: Thank you, Your Honor. No  
5 further questions.

6 MR. WYDE: Nothing further of Mr. Carrasco.

7 THE COURT: You may step down. You're  
8 finally excused. Thank you, sir.

9 MS. SEPULVEDA: Maria Carrasco, number 5.

10 MS. WOERTENDYKE: Maria Carrasco is on page  
11 9, she is number 8.

12 THE COURT: You may proceed.

13 MR. WYDE: Yes, sir.

14 MARIA CARRASCO,  
15 having been first duly sworn, testified through the duly  
16 sworn interpreter as follows:

17 DIRECT EXAMINATION

18 BY MR. WYDE:

19 Q. Good morning, Mrs. Carrasco.

20 A. Good morning.

21 Q. Was that much older gentleman your son that  
22 just testified?

23 A. He's my husband.

24 Q. No. Actually, I thought he was your dad.

25 A. Oh, thank you.

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1 Q. Then I'll -- Ms. Carrasco, did -- earlier this  
2 year, did you and your husband both vote by mail, if you  
3 remember?

4 A. Yes.

5 Q. Yes. Let me say, Ms. Carrasco, that no one's  
6 suggesting that you've done anything wrong. I'm glad  
7 you voted. Everyone should vote. And no one's  
8 questioning who you voted for or anything of that  
9 nature.

10 A. Okay.

11 Q. Your husband had indicated that a gentleman  
12 came by sometime back in February after y'all received  
13 some of these documents.

14 A. Yes.

15 Q. And the gentleman offered to help you vote, if  
16 you will, and your husband invited him in to the dining  
17 table and y'all sat down with your papers and that  
18 gentleman; is that correct?

19 A. Yes.

20 Q. Did the gentleman mention or discuss any of the  
21 names on the ballot or the paper and the people that  
22 were running for the various positions?

23 A. Medrano.

24 Q. Yes, ma'am. And after you voted for whomever,  
25 do you recall what happened with the papers that you

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1 marked and maybe put in this type of envelope?

2 A. Yes, and I signed on the back.

3 Q. Yes, ma'am. Was -- do you remember if the  
4 envelope was open or closed when you signed?

5 A. It was closed. I closed it myself and I signed  
6 it on top.

7 Q. Yes, ma'am, of course.

8 (Contestant's Exhibit No. 48 marked.)

9 Q. And is this your signature?

10 A. Yes. Yes, sir.

11 MR. WYDE: We'll offer Contestant's 48.

12 MR. WOOD: No objection, Your Honor.

13 THE COURT: Admitted.

14 Q. (BY MR. WYDE) Thank you, Mrs. Carrasco. I  
15 have no other questions.

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

18 THE WITNESS: Well, thank you very much.

19 MR. WYDE: Yes, ma'am.

20 THE WITNESS: Thank you, you're all very  
21 kind.

22 MS. SEPULVEDA: It should go back up to  
23 number 4, Francisco Carrasco.

24 MS. WOERTENDYKE: Number 9 -- page 9, he's  
25 number 7. Page 9, he's number 7.

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1 FRANCISCO CARRASCO,  
2 having been first duly sworn, testified through the duly  
3 sworn interpreter as follows:

4 DIRECT EXAMINATION

5 BY MR. WYDE:

6 Q. Good morning, Mr. Carrasco.

7 A. Good morning.

8 Q. Mr. Carrasco, do you live at 504 South Glasgow?

9 A. Yes, that's where I live.

10 Q. Yes, sir. Are you related to the Mr. or  
11 Mrs. Carrasco that just testified, by any chance?

12 A. That's my brother.

13 Q. Okay. And do all of y'all live at that  
14 particular residence?

15 A. Yeah.

16 Q. Okay.

17 A. Well, he lives on this side of the street and I  
18 live on the other -- in the front -- in front -- on the  
19 other side of the street.

20 Q. Okay. Well, Mr. Carrasco, do you recall or do  
21 you remember voting this year by mail, by any chance?

22 A. No, not by mail. Just by -- with a man that  
23 went by my house.

24 Q. Okay. And the man that came by your house, can  
25 you tell us a little bit about what he -- what he said

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1 to you?

2 A. He just told us that we didn't have to go vote  
3 over there where we always vote where we go to -- the  
4 place is on Samuell, and he said those of us who were  
5 older, we didn't have to go over there, that we could  
6 just vote with him.

7 Q. Okay. And there's nothing wrong about that,  
8 and no one's here to suggest in any way, Mr. Carrasco,  
9 that you've done anything wrong or that you shouldn't  
10 vote or anything like that. May I ask how old you are,  
11 sir?

12 A. I'm 67 years old.

13 Q. Yes, sir. You don't look 67, that's why I was  
14 asking.

15 A. Oh. Thank you.

16 Q. De nada. Mr. Carrasco, the gentleman that came  
17 by, did he ask you to sign a piece of paper like this  
18 one I'm handing you?

19 A. Yeah.

20 Q. Uh-huh. And is that, if you recall, how the  
21 green envelope with the voting papers showed up at your  
22 home?

23 A. I don't remember that very well.

24 Q. Yes, sir. Do you remember doing anything --  
25 filling out any other paperwork so the green envelope

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1 would show up, or were you kind of surprised when it  
2 came in the mail?

3 A. No.

4 Q. No, you -- I'm not sure I understand your  
5 answer. Do you remember doing -- filling out any  
6 paperwork so the green envelope would come by?

7 A. Well, I don't remember. It's been such a long  
8 time that I don't remember.

9 Q. Yes, sir. And when the green envelope appeared  
10 at your house, did the gentleman come -- did someone  
11 else come back by and want to talk to you about the  
12 papers inside?

13 A. No.

14 Q. Okay. What happened when you -- when you  
15 filled out the papers? Did you do that by yourself or  
16 with the help of anybody else?

17 A. No, he told me to vote for Medrano, and then I  
18 gave him all the others.

19 Q. Okay. And so when you filled out the papers,  
20 the gentleman that told you to vote, was he there at  
21 that time?

22 A. Well, he took them back.

23 Q. Yes, sir. So in order for him to take any of  
24 the papers, he had to be there; is that right?

25 A. Yeah.

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1 Q. And do you remember, sir, do you remember  
2 whether or not y'all talked about any of the other names  
3 in the papers before he took them?

4 A. No.

5 Q. Okay. You didn't talk about any -- when I say  
6 any other names, I was referring to other people running  
7 for other offices.

8 A. No, they -- yeah, there were others and I was  
9 just voting, so he was telling me this and this and  
10 this.

11 Q. Uh-huh. Do you recall any of the other thises  
12 and thises and thises, the names of the other people  
13 that got mentioned?

14 A. I don't remember.

15 Q. Okay. Don't -- do you recall ever hearing the  
16 name Cortez?

17 A. No, I don't remember. It's been a while.

18 Q. Yes, I understand. And you mentioned that you  
19 gave the papers, and would that have been -- included  
20 the brown envelope to the person who was there?

21 A. No, it was just the paper, and that's the paper  
22 that had all the names. I didn't see any paper like  
23 that.

24 Q. Okay. So I'm a little bit confused. Let me  
25 show you this brown envelope, and I'm going to suggest

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1 to you that those are mailed to voters like yourself  
2 when you get the green package, okay? Do you -- did you  
3 give the man --

4 A. I don't remember having received one of those  
5 papers.

6 Q. The green, the brown, or you don't recall  
7 receiving either?

8 A. Neither. I don't remember.

9 Q. Okay. Mr. Carrasco, did you hand the man that  
10 was there who talked to you about the names of the  
11 people running for office, did you just hand him the  
12 paper that had the names of the people running for  
13 office after they were marked?

14 A. Yeah, and then he left.

15 Q. Uh-huh.

16 MR. WYDE: No further questions.

17 MR. WOOD: No questions, Your Honor.

18 THE COURT: Mr. Carrasco, at the time --  
19 did you mark the ballot yourself?

20 THE WITNESS: Yes, he was telling me how to  
21 do everything.

22 THE COURT: Thank you. Thank you. You may  
23 be finally excused.

24 THE WITNESS: Thank you.

25 MR. RICH: Gracias, senor.

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1 MS. SEPULVEDA: Number 8, Maria Faz. Maria  
2 Faz, where is she on the petition? Oh, you don't have  
3 it?

4 MR. WOERTENDYKE: Okay. It's right here.  
5 Page 9.

6 MS. SEPULVEDA: In the center, page 9?

7 MR. WOERTENDYKE: The center of page 9.

8 MS. WOERTENDYKE: We're on page 9. What's  
9 the name?

10 THE COURT: Faz, F-A-Z, Maria.

11 MS. WOERTENDYKE: Oh, that's going to be  
12 number 25 on page 9.

13 MARIA FAZ,  
14 having been first duly sworn, testified through the duly  
15 sworn interpreter as follows:

16 DIRECT EXAMINATION

17 BY MR. WYDE:

18 Q. Good morning, Ms. Faz.

19 A. Good morning.

20 Q. Ms. Faz, si, we -- I asked you to come to court  
21 today to -- I wanted to let you know that nobody is  
22 suggesting that you've done anything wrong.

23 A. Well, I didn't do anything bad.

24 Q. That's absolutely correct. I do appreciate you  
25 being here and wanted to ask you about whether or not

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1 someone or some people came by your home earlier this  
2 year to talk to you about voting.

3 A. That person went by to pick up the envelope  
4 that had come to me by mail.

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

6 A. I had just gotten out of the hospital. My son  
7 had just helped me sit down when he came.

8 Q. Okay. And is this the envelope that the  
9 person -- is that the same type of envelope or a copy of  
10 the envelope that the person took?

11 A. Yes, and I signed.

12 Q. Yes, ma'am. Did the person that came and took  
13 the envelope, can you describe him? Was it a male or a  
14 female?

15 A. It was a man. It was a gentleman, and he said  
16 he was a nephew of Sepulveda -- of Luis Sepulveda.

17 Q. A nephew?

18 A. That he was a nephew.

19 Q. And --

20 A. Because I couldn't sign because I had just  
21 gotten out of the hospital. I had very strong  
22 pneumonia.

23 Q. Yes, ma'am. Was your son there when this  
24 happened, also?

25 A. Well, my son just doesn't get involved in my

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1 things, and I -- he told him I had just gotten out of  
2 the hospital, so he said he could not come back another  
3 day, and so I said that I would put it in the mail and  
4 he said no, that he would take it.

5 Q. Okay. Did the gentleman that took the envelope  
6 discuss with you the different people that were running  
7 for the offices in the paperwork?

8 A. No.

9 Q. Okay.

10 A. No, he didn't even come into my house. I had  
11 just gotten home from the hospital and he was outside.

12 Q. Okay. Did he tell you his name?

13 A. No.

14 Q. Did he have any campaign literature or flyers  
15 or anything like that with him?

16 A. I don't know.

17 Q. Yes, ma'am. Can you tell me how it is you  
18 recall or how it is you remember he said he was related  
19 to Mr. Sepulveda?

20 A. Well, he was a short man and he was about  
21 five feet tall.

22 Q. Do you remember when you got out of the  
23 hospital, Ms. Faz?

24 A. I've got it all right here. I was in the  
25 hospital from January 20th until the end of that month

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1 and then I came out on the 20th. Here, I have the  
2 papers.

3 Q. Okay. Okay. And I'm just trying to see if you  
4 remember about how this gentleman who came to talk to  
5 you about the voting, how you remember he said he was  
6 related to Mr. Sepulveda.

7 A. Well, because I couldn't sign, so my son told  
8 him to come back and he said that he would wait until I  
9 would sign even slowly, and that's when he said that he  
10 was related with the gentleman.

11 Q. Okay. Since he wasn't in the house, is it  
12 possible he had this conversation with your son and then  
13 your son told you that -- your son told you that he was  
14 related to Mr. Sepulveda?

15 A. Yes, it was to my son that he said that he was  
16 his relative.

17 Q. Okay. But not to yourself?

18 A. No. Yes, I had just gotten home, and I really  
19 was not in the mood to be in that.

20 Q. I understand. And the papers that you had that  
21 showed who you wanted to vote for, what did you do with  
22 those?

23 A. The envelope that was inside?

24 Q. Uh-huh.

25 A. Well, no, I opened it at that moment because

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1 nobody's in my house because I live by myself in my  
2 house, and right there, I voted for a lady. And so I  
3 put it inside the other one, and then I signed -- I  
4 closed it and I signed the yellow envelope.

5 Q. Okay. And then what -- did you give the  
6 envelope to the person that was there waiting for you to  
7 sign?

8 A. Yes, my son went and gave it to him.

9 Q. Okay. And did that person offer to mail it for  
10 you?

11 A. This is my signature.

12 Q. Okay.

13 (Contestant's Exhibit No. 49 marked.)

14 A. My signature looks very bad there because I had  
15 just gotten out of the hospital.

16 MR. WYDE: We'll offer Contestant's 49.

17 A. But that is my signature.

18 MR. WOOD: No objection, Your Honor.

19 THE COURT: Admitted.

20 Q. (BY MR. WYDE) Thank you, Ms. Faz. I  
21 appreciate you coming down today.

22 A. Okay.

23 Q. Gracias.

24 A. Thank you very much, and excuse me for not  
25 being able to express myself correctly.

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CROSS-EXAMINATION

BY MR. WOOD:

Q. Ms. Faz, I want to ask you some questions.

A. You speak Spanish, right?

Q. No, I do not.

Ms. Faz, you've testified that you signed your -- put your signature on an envelope like this?

A. Yes, I did put it on there.

Q. Okay. And you testified that you gave it to this individual who came by your house?

A. Yes, I gave it to him.

Q. Ms. Faz, do you have any idea that by giving this to this individual that came by your house that it might invalidate your vote?

A. No. Look, I'm going to be perfectly clear, ever since the voting, two times, I was able to go to the school, and then after that, they wouldn't allow you. All the time, they would come by to pick up the envelope.

MR. WOOD: No further questions, Your Honor.

THE COURT: Anything further?

A. But always it was either one or another that would go by.

MR. WOOD: No further questions, Your

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1 Honor.

2 MR. WYDE: Nothing further.

3 THE COURT: Thank you, Ms. Faz.

4 MS. SEPULVEDA: Number 9, Felix Guzman.

5 MR. RICH: Gracias, senora.

6 MS. WOERTENDYKE: Felix Guzman is on page  
7 10, he's number 6. Page 10, number 6.

8 THE INTERPRETER: Mr. Guzman would like to  
9 testify in English.

10 THE COURT: You may proceed.

11 MR. WYDE: Yes, sir.

12 FELIX GUZMAN, SR.,

13 having been first duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. WYDE:

16 Q. Good morning, Mr. Guzman.

17 A. Good morning.

18 Q. Thank you for coming down today. I understand  
19 it's a little bit nerve-racking when you receive a  
20 subpoena and you might not know what it's about, so let  
21 me simply say that no one's suggesting that you've done  
22 anything --

23 A. Let me get closer because I can't hear too  
24 good.

25 Q. Well, yes, sir, I'd be happy to -- may I come

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1 closer?

2 A. Yeah.

3 Q. Okay. Let me say that no one asked you to come  
4 here today to suggest that you've done anything wrong,  
5 okay?

6 A. Uh-huh.

7 Q. No one's got any bone to pick with you or  
8 anything like that. Okay. Do you recall, Mr. Guzman,  
9 someone coming by your home maybe in January or February  
10 before the election earlier this year?

11 A. No, because I don't go -- no, I wasn't there.  
12 They went over there, but my -- they talked to my wife,  
13 so I didn't know nothing about it until after they said  
14 that I signed something to vote.

15 Q. Yes, sir. Yes, sir. Is your wife here in the  
16 room?

17 A. Yeah, she's over there (pointing).

18 MS. GUZMAN: Right here.

19 MR. WYDE: Good morning.

20 MS. GUZMAN: Good morning.

21 MR. WYDE: We might call her.

22 A. She's the one that knows more about it.

23 MR. WYDE: So --

24 THE COURT: Is she listed?

25 MS. WOERTENDYKE: I don't think so.

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1 MR. WYDE: Okay. Does that mean the Court  
2 is not going to allow us to call her or --

3 THE COURT: You can call her as a witness  
4 on his, if it becomes necessary.

5 MR. WYDE: Yes, sir. Yes, sir.

6 Q. (BY MR. WYDE) Okay. Mr. Guzman --

7 MR. WOOD: Your Honor, should she step out  
8 of the room?

9 THE COURT: It would be better.

10 MR. WYDE: Okay.

11 THE COURT: Ms. Guzman, if you would step  
12 outside and remain at this time.

13 MS. GUZMAN: Oh, okay.

14 THE COURT: Since you may be a potential  
15 witness.

16 MS. GUZMAN: Oh, okay.

17 MR. WYDE: Perdon. I wasn't sure how you  
18 wanted to do that. May I?

19 THE COURT: Yes.

20 Q. (BY MR. WYDE) Mr. Guzman, I was asking if  
21 somebody might have come by your home over on -- at 3722  
22 Dawes Street --

23 A. Yes.

24 Q. -- and talk to you about voting in the upcoming  
25 election, you know, that was going to be in March.

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1           A. I never did talk to any of them. I never saw  
2 them --

3           Q. Yes, sir.

4           A. -- until after they -- they said that they  
5 frauded my name.

6           Q. Okay. When -- have you talked to anybody about  
7 that, either before or after the voting, if you will?

8           A. Well, two ladies, you know, was there, but I  
9 don't remember their names or nothing like that. And  
10 then two -- I don't know, they weren't policemen, they  
11 were --

12          Q. From the -- from an office in Austin, Attorney  
13 General's office?

14          A. Yeah.

15          Q. Does that make --

16          A. Yeah.

17          Q. Okay. Well, that was kind of recent; is that  
18 right? That was just within the last maybe month or  
19 two?

20          A. Yeah, but -- yeah, about two months, maybe.

21          Q. The women that came by, was that before the  
22 election -- before the voting or after the voting?

23          A. Well, I didn't know when the voting was.

24          The -- they just asked me if I voted by mail, and I  
25 said, I didn't -- I didn't vote nothing. I didn't sign

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1 nothing or nothing.

2 Q. Right. Right. Did your wife maybe sign for  
3 you, or did she talk to you about voting at all?

4 A. No, she didn't talk to me at all about the  
5 voting. The only reason I found out is when the ladies  
6 went over there and asked me about it.

7 Q. Okay.

8 THE COURT: Counsel, let me ask a couple of  
9 questions here. Mr. Guzman, are you telling me you did  
10 not vote at all?

11 Q. (BY MR. WYDE) The Judge is asking you a  
12 question. Would you kind of --

13 THE COURT: Mr. Guzman --

14 Q. (BY MR. WYDE) Can you hear him?

15 THE COURT: -- are you telling me that you  
16 did not vote at all in this election?

17 THE WITNESS: No, I didn't vote at all.

18 THE COURT: Okay. Thank you. For our  
19 purposes, is there any other questions that anyone needs  
20 to ask?

21 MR. WYDE: No.

22 MR. WOOD: No, Your Honor.

23 THE COURT: Thank you, sir. You're finally  
24 excused. Thank you.

25 MR. WYDE: You're excused.

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1 THE WITNESS: That's it?

2 MR. WYDE: That's it.

3 THE WITNESS: Okay. Well, thank you.

4 MS. SEPULVEDA: Thank you, sir.

5 MR. RICH: Thank you, Mr. Guzman.

6 MR. WYDE: Judge, may we approach?

7 THE COURT: Yes.

8 MR. WYDE: Mark this.

9 (Contestant's Exhibit No. 50 marked.)

10 THE REPORTER: Y'all need this on the  
11 record?

12 MR. WYDE: Well, I'll defer to the Judge  
13 here first, so --

14 THE COURT: No.

15 (At the bench, off the record)

16 THE COURT: Let's go on the record on this  
17 thing.

18 MR. WYDE: Yes, sir.

19 MR. WOOD: I have seen so many of these  
20 affidavits where the people that came up here and  
21 testified that it is absolutely opposite to what was  
22 written on this affidavit by a third party that took  
23 this affidavit.

24 THE COURT: The offer -- the objection to  
25 the offer is sustained.

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1 MR. WYDE: Yes, sir.

2 THE COURT: And on two grounds. One, it's  
3 irrelevant at this point, and the witness has testified  
4 he did not vote, and so it's clear that his votes aren't  
5 going to be counted. And number two, the testimony, he  
6 was not asked to -- the predicate was not laid.

7 MR. WYDE: Right.

8 THE COURT: So therefore under both  
9 grounds --

10 MR. WYDE: Okay.

11 THE COURT: -- or either our grounds, it's  
12 -- the objection is sustained. Let me see counsel in  
13 chambers --

14 MR. WYDE: Yes, sir.

15 THE COURT: -- and let's visit for a  
16 minute.

17 MR. WYDE: Yes, sir. When we come back,  
18 Judge, may I simply make a legal comment on the record?

19 THE COURT: Certainly.

20 MR. WYDE: Almost like as if I was going to  
21 make a bill, but it'd just be --

22 THE COURT: You can go ahead and do it, if  
23 you'd like.

24 MR. WYDE: Okay. Judge, I don't offer this  
25 particular document, Contestant's 50, for -- to

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1 demonstrate whether or not Mr. Guzman voted or didn't  
2 vote. Obviously, he said he didn't vote. I'll suggest  
3 to you that the document would be obviously -- well,  
4 would be a prior consistent statement which is another  
5 reason why it would not be admissible under the typical  
6 Rules of Evidence. However -- however, as the Court  
7 knows and -- that you're allowed in the election contest  
8 to have broad discretion --

9 MR. WOOD: Your Honor, if we're going to  
10 have an argument about the law --

11 MR. WYDE: Excuse me.

12 MR. WOOD: -- I would like to have -- we  
13 could have that at the final argument.

14 MR. WYDE: It's not argument. I'm just --

15 THE COURT: I will let him make his  
16 statement --

17 MR. WYDE: I'm just making my bill --

18 THE COURT: -- and then I'll visit with  
19 everybody.

20 MR. WYDE: -- my offer of proof under  
21 Article I of the Rules of Evidence. Judge, in making a  
22 determination as to whether some of these votes are  
23 lawful or unlawful, in the whole scheme of things, if  
24 you will, not only does the Court, I think, have to look  
25 at each of these votes on an individual basis, but you

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1 also kind of have to look at the entire context of the  
2 election, if you will.

3 And so I don't offer this document solely  
4 for Mr. Guzman's purposes. I offer this document to  
5 suggest to the Court that there is a scheme involved in  
6 an election case, and I think there's been enough  
7 witnesses that have come forward that, in a good faith  
8 basis, I can stand here and say to you that obviously  
9 people's ballots get picked up. Sometimes those  
10 envelopes are sealed, sometimes those envelopes are not.  
11 Just this morning, we had somebody testify that they  
12 didn't even give them the envelope, they gave them their  
13 ballot.

14 So in making your determination about the  
15 true outcome of an election or whether or not you can  
16 ultimately decide whether to void this election, I'll  
17 offer this document because it's indicative of the  
18 scheme. It goes to plan, motive, opportunity. I don't  
19 offer it to --

20 THE COURT: I understand.

21 MR. WYDE: Okay. And that's why I offer  
22 it. I'm not trying to suggest that Mr. Wood's argument  
23 is wrong. It is hearsay, it is a prior consistent  
24 statement.

25 THE COURT: I understand.

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1 MR. WYDE: So --

2 MR. WOOD: I'll make my arguments when it  
3 comes time.

4 MR. WYDE: Okay.

5 THE COURT: Let me see counsel in --

6 MR. WYDE: If the document's not admitted,  
7 may it be considered part of the record for a bill?

8 THE COURT: You may make it as a record for  
9 record purposes.

10 MR. WYDE: Yes, sir. Thank you, sir.

11 (In chambers, off the record)

12 THE COURT: All right. Who -- is the next  
13 one George Martinez?

14 MS. WOERTENDYKE: Are we going to call  
15 Mrs. Guzman, Felix's wife? She said she had to --  
16 because y'all asked her to step out --

17 MR. WYDE: No.

18 MS. WOERTENDYKE: -- and they came in and  
19 asked if she's going to be called. We made her wait  
20 until you-all came back.

21 MR. WYDE: Yes.

22 MS. WOERTENDYKE: So she's going to be free  
23 to go?

24 MR. WYDE: Yeah.

25 MS. WOERTENDYKE: Okay.

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1 MR. WYDE: Was I supposed to say something  
2 or do something?

3 THE COURT: Maybe call your next witness.

4 MR. WYDE: Okay. I thought the bailiff  
5 stepped out to get them. Did you not?

6 MS. SEPULVEDA: George Martinez, number 14.

7 THE COURT: And page and --

8 MS. WOERTENDYKE: We're getting there,  
9 Judge.

10 THE COURT: Okay.

11 MS. WOERTENDYKE: I promise we're getting  
12 there. Martinez, George.

13 MR. WYDE: I believe Mr. Martinez is in the  
14 restroom, and the sheriff stepped in there to see if  
15 he's doing okay.

16 THE COURT: All right. Thank you.

17 MS. WOERTENDYKE: Okay. George Martinez is  
18 going to be number 1 on page 7, the 4.7 section.

19 MR. WYDE: The previous gentleman that  
20 testified, Your Honor --

21 THE COURT: Yes.

22 MR. WYDE: -- may he and his wife be  
23 excused?

24 THE COURT: Yes.

25 THE INTERPRETER: Mr. Martinez would like

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1 to testify in English.

2 THE COURT: Thank you. Mr. Martinez, if  
3 you'll come around and have a seat here in this chair.

4 THE WITNESS: This one?

5 THE BAILIFF: This one right here.

6 GEORGE MARTINEZ,

7 having been first duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. WYDE:

10 Q. Good morning, Mr. Martinez.

11 A. Good morning.

12 Q. Thank you for coming down. I understand  
13 getting a subpoena may not be the most enjoyable thing.  
14 But let me say to you first and foremost that nobody is  
15 suggesting you've done anything wrong, and so nobody's  
16 here to question how you voted or, you know, or suggest  
17 that, you know, like I said, you've done anything  
18 improper, okay?

19 A. Uh-huh.

20 Q. And with that, can you tell us if you currently  
21 live at 3926 Poinsettia?

22 A. Yes, sir.

23 Q. Okay. And Mr. Martinez, do -- did anyone come  
24 by earlier this year, you know, and offer to either help  
25 you get your mail-in balloting materials sent to you or

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1 offered to discuss with you voting in the Democrat  
2 primary back in March?

3 A. Yes, sir.

4 Q. Would you just tell us a little bit about what  
5 happened?

6 A. Well, a young man come by and he says, do you  
7 vote, and I said, no. He said, you ought to be  
8 involved, you know, and all this. And I said, well, I  
9 guess it wouldn't hurt. I said, but I don't know how to  
10 fill papers out, that's my problem. He said, oh, don't  
11 worry about that, we'll help you. He said, when they  
12 send you the paperwork, we'll come by about a week later  
13 and we'll help you fill them out.

14 Q. Okay.

15 A. So I said, well, okay. And I signed this paper  
16 that he said that -- what's -- for them to send me the  
17 papers, and that was all I heard. The next thing I  
18 know, the police was at my door.

19 Q. Uh-oh. Those guys are not associated with me  
20 or these people. Those guys are from the Attorney  
21 General's office down in Austin.

22 A. Right.

23 Q. Okay. Let me ask you, if I can, Mr. Martinez,  
24 when they said, if you'd like to get the materials in  
25 the mail, did they ask you to sign a piece of paper like

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1 this?

2 A. Something similar like this.

3 Q. Okay. And is that your signature down there on  
4 the right?

5 A. Yes.

6 Q. Right. Okay. And I bet after you signed that,  
7 about a week later, the green envelope shows up?

8 A. I haven't got no -- nothing yet.

9 Q. Oh, really?

10 A. All I got was when the police came and said,  
11 hey, you voted -- no, earlier, two ladies come by and  
12 one of them said that they're verifying that I voted,  
13 and they showed me the paper. I said, well, that's not  
14 my signature, I haven't voted yet. And they told me to  
15 sign that paper and that one of them was with the  
16 lawyers, and the other one was a notary, that she  
17 notarized the papers saying that I didn't vote. And  
18 then later, about four or five days later, the police  
19 showed up -- or detectives did.

20 Q. Okay. Is this your signature, by any chance,  
21 Mr. Martinez?

22 A. No, huh-uh.

23 Q. That's not your signature?

24 A. No.

25 Q. Okay. Okay. Is this the -- your signature

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1 when you got the subpoena? And let me tell you, I'm the  
2 one who sent that to you, so I apologize up front.

3 A. That (pointing)?

4 Q. Yes, sir.

5 A. That is.

6 Q. Okay. Are you -- you telling us, Mr. Martinez,  
7 that you never got these papers that came --

8 A. No, sir.

9 THE COURT: Counsel, he's -- it's clear.

10 MR. WYDE: Okay.

11 THE COURT: He never received them. He  
12 never voted.

13 MR. WYDE: Yes, sir.

14 THE COURT: Unless something comes up in  
15 addition to his testimony, I take that as a fact.

16 MR. WYDE: Yes, sir.

17 (Contestant's Exhibit No. 51 marked.)

18 Q. (BY MR. WYDE) Was there anyone else in your  
19 home that voted also --

20 A. No, sir.

21 Q. -- or they asked about --

22 A. I live alone.

23 Q. Okay. Yes, sir.

24 MR. WYDE: We'll offer 51.

25 MR. WOOD: No objections, Your Honor.

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1 THE COURT: Admitted.

2 MR. WYDE: No further questions -- thank  
3 you -- from me, Mr. Martinez.

4 MR. WOOD: No questions from me.

5 THE COURT: Mr. Martinez, thank you. And  
6 by the way, might I say that we do appreciate your  
7 wanting to get involved in the voting process, and I  
8 hope in the future you will. Just be careful who you  
9 deal with, if you don't go to the voting place, okay?

10 THE WITNESS: Okay.

11 THE COURT: Thank you, sir.

12 MS. SEPULVEDA: Thank you.

13 THE WITNESS: You're welcome.

14 MR. RICH: Your stick is really nice.

15 THE WITNESS: What?

16 MR. RICH: Your stick is really nice.

17 THE WITNESS: Oh, thank you.

18 MR. RICH: Where did you get it?

19 THE WITNESS: Mexico.

20 MR. RICH: Beautiful piece.

21 THE WITNESS: It belonged to my  
22 brother-in-law.

23 MR. RICH: Beautiful piece.

24 THE WITNESS: He passed away.

25 MR. RICH: Thank you, sir.

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1 MR. WYDE: Who's next?  
2 MS. SEPULVEDA: Petra Ramos, number 18.  
3 MR. WOOD: Number 18?  
4 MS. SEPULVEDA: Yes.  
5 THE BAILIFF: Is he finally excused, Judge?  
6 THE COURT: Yes, thank you.  
7 MR. WYDE: Permission to publish, just  
8 these things separate.  
9 MR. RICH: Who's being called now, please?  
10 MS. SEPULVEDA: Petra Ramos.  
11 MR. RICH: I'm sorry?  
12 MS. WOERTENDYKE: He's number 11 -- on page  
13 11, number 29.  
14 MS. SEPULVEDA: It's number 18 on the list  
15 that I gave you.  
16 MR. RICH: Petra?  
17 MS. WOERTENDYKE: P-E-T-R-A.  
18 MR. RICH: Okay.  
19 MR. WOOD: Page 11?  
20 MS. WOERTENDYKE: Page 11 -- just a minute.  
21 I'm sorry, page 11, number 29. He's about a little  
22 over --  
23 MR. WOOD: I see him.  
24 MS. WOERTENDYKE: You see him? Okay.  
25 THE COURT: You may proceed.

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1 MR. WYDE: Yes, Your Honor.

2 PETRA RAMOS,

3 having been first duly sworn, testified through the duly  
4 sworn interpreter as follows:

5 DIRECT EXAMINATION

6 BY MR. WYDE:

7 Q. Good morning, Ms. Ramos.

8 A. Good morning.

9 Q. Thank you for coming, and let me first say that  
10 no one is suggesting that you've done anything improper  
11 or what have you. We just have a couple of questions  
12 about some people that may have come to your house to  
13 discuss voting with you. It's okay to breathe.

14 A. Okay.

15 Q. Ms. Ramos, do you remember voting by mail  
16 earlier this year or receiving a green envelope with  
17 some election papers in it?

18 A. It's the first year that an envelope like that  
19 one has ever been received.

20 Q. Okay. Do you remember actually asking for the  
21 envelope, or did it just appear?

22 A. It just simply got there.

23 Q. Okay. Did someone come by your house,  
24 Ms. Ramos, maybe in January or February and ask you to  
25 sign a piece of paper like this one?

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1 A. I don't remember.

2 Q. Is that your signature, Ms. Ramos, down there  
3 in the right-hand corner?

4 A. That is my name, but that is very strange. I  
5 don't sign that way.

6 Q. Yes, ma'am. And when the papers came,  
7 Ms. Ramos, do you remember if someone came by to talk to  
8 you about the different people running for the different  
9 offices?

10 A. First, a man came by my house. Let me see if I  
11 remember. He wasn't very tall, and he wasn't very  
12 short. And then after, two girls came by -- two ladies  
13 came by and asked me if somebody had come by to pick up  
14 the papers, and I told them yes. And one of them told  
15 me that she was a notary public and she put a seal on  
16 the paper.

17 Q. Okay. Do you remember ever signing the back of  
18 a -- this type of an envelope?

19 A. No. No. I still even have those envelopes at  
20 my house. This person just took the inside part.

21 Q. Which envelopes do you have?

22 A. Can I see this?

23 Q. Absolutely.

24 A. I have one that is something like that. Like  
25 this? It seems like these envelopes were inside of

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1 these other envelopes.

2 Q. Yes, ma'am. Yes, ma'am. So when -- but you  
3 don't ever remember signing the back of one of these  
4 brown envelopes and putting it in the mail?

5 A. No.

6 Q. Okay.

7 A. No, the person that came took my application  
8 and my husband's.

9 Q. Okay. Do you recognize any of the people in  
10 these pictures as those that may have come by your home?

11 (Contestant's Exhibit No. 52 marked.)

12 A. (Looking through photos) This is Ms. Garcia,  
13 right?

14 Q. It is.

15 A. I can't say whether this guy is. I just would  
16 not want to condemn anybody that might be innocent.

17 Q. I understand entirely. And did your husband  
18 also have the paper -- same papers as you did like from  
19 the green envelope?

20 A. Yes.

21 Q. And did I understand you correctly to say that  
22 the people that came by took those papers but didn't  
23 take the envelopes?

24 A. It was just one person -- one person that took  
25 the envelopes, and it was the man -- the man. It was