

REPORTER'S RECORD  
VOLUME 4 OF \_\_\_\_\_ VOLUMES

TRIAL COURT CAUSE NO. DC-10-03186

LUIS DANIEL SEPULVEDA, )  
IN THE DISTRICT COURT )

Contestant, )

VS. )  
14TH JUDICIAL DISTRICT )

CARLOS MEDRANO, )

Contestee. )  
OF DALLAS COUNTY, TEXAS )

-----  
TRIAL ON THE MERITS  
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On the 8th day of July, 2010, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable Richard Davis, Judge presiding, held in Dallas, Dallas County, Texas; Proceedings reported by machine shorthand.

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Trial on the Merits  
July 7, 2010

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VOLUME 4

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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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THE COURT: Yeah. What I've found,

sheriff, is that we have so many that are elderly and  
infirm. It's kind of hard for them to get up, so we  
just started having them sit down there.

THE BAILIFF: Very good.

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

THE COURT: You may proceed.

MR. WYDE: Thank you, Your Honor.

ELIGIO CARRASCO,

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

DIRECT EXAMINATION

BY MR. WYDE:

Q. Good morning, Mr. Carrasco.

A. Good morning.

Q. We have provided an interpreter for those

individuals who speak both Spanish and English. Would

you prefer the questions be asked in Spanish or English?

A. In Spanish.

Q. Yes, sir.

THE COURT: And let me -- just for the rest

of the trial, the interpreter is asking in -- inquiring

before so that if she's interpreting up here --

MR. WYDE: Okay.

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THE COURT: -- we know that that's what

they want, and if they don't -- so we don't have to

cover that with each witness.

MR. WYDE: Absolutely. I was not aware.

THE COURT: Thank you.

MR. WYDE: Thank you.

Q. (BY MR. WYDE) Mr. Carrasco, no one asked you

to come here today because of any reason that you've

done anything wrong or --

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

Q. No one's suggesting that you need to tell us

anything private or how you voted or what have you. Do

you recall voting, sir, earlier this year in -- by mail

or absentee ballot?

A. It was by mail.

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

A. No.

Q. And in voting by mail, it's common in some

parts of Dallas, if you will, people will come by and

knock on your door maybe and offer to help you in

voting. Did that happen at your home?

A. That's what happened.

Q. Okay. And Mr. Carrasco, do you live at 515

South Glasgow here in Dallas?

A. Yes.

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.

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

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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Q. Okay. Was -- were they African-American or

Caucasian or Hispanic?

A. Hispanic.

Q. Did he introduce himself to you? Do you

remember his name?

A. No, I don't remember.

Q. Okay. Mr. Carrasco, when you got ready to

vote, can you tell us what this gentleman said to you

and how the papers got filled out?

A. Well, no, he just told us if -- that -- I will

repeat once again that he just told us that we could

vote right there by mail, that we didn't have to go to

the polling places and that we could just do it by mail.

Q. Uh-huh. And did you make the marks on the

paper, or did the other person make the marks, if you

will?

A. It was me.

Q. Uh-huh. And did you and he discuss or did he

and your wife discuss some of the names on the paper?

A. Yes, he told us that the list -- there was

Medrano and we voted for him.

Q. Okay. And then what happened to the papers

after you voted for Medrano on the ballot?

A. Well, he just took them, and then after that,

we never saw him again.

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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MR. WOOD: I have some questions.

THE REPORTER: There was 47 before that.

Did I mark both of those?

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

THE REPORTER: So make that one 47?

THE COURT: 47?

MR. WYDE: If that's acceptable to the

Court.

THE COURT: That'd be fine.

MR. WOOD: Yes.

(Contestant's Exhibit No. 47 remarked.)

CROSS-EXAMINATION

BY MR. WOOD:

Q. Mr. Carrasco, I represent Mr. Medrano in this

case. Did someone come to your home recently and ask

you to sign a document like this?

A. Yes.

Q. I'm just asking you about your signature. Is

that your signature?

A. It is.

Q. Now, on the -- I think you were asked about

your signature on this document right here, and is that

your signature right there?

A. No.

Q. Mr. Carrasco --

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

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.

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

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.

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

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 Samuel, 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

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.

1 Q. And do you remember, sir, do you remember

2 whether or not you 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

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, señor.

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MS. SEPULVEDA: Number 8, Maria Faz. Maria

Faz, where is she on the petition? Oh, you don't have

it?

MR. WOERTENDYKE: Okay. It's right here.

Page 9.

MS. SEPULVEDA: In the center, page 9?

MR. WOERTENDYKE: The center of page 9.

MS. WOERTENDYKE: We're on page 9. What's

the name?

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

MS. WOERTENDYKE: Oh, that's going to be

number 25 on page 9.

MARIA FAZ,

having been first duly sworn, testified through the duly

sworn interpreter as follows:

DIRECT EXAMINATION

BY MR. WYDE:

Q. Good morning, Ms. Faz.

A. Good morning.

Q. Ms. Faz, si, we -- I asked you to come to court

today to -- I wanted to let you know that nobody is

suggesting that you've done anything wrong.

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

Q. That's absolutely correct. I do appreciate you

being here and wanted to ask you about whether or not