

1 because he didn't want me to send it by mail.

2 Q. Uh-huh. And do you remember, sir, if the  
3 gentleman was there when you filled out the papers?

4 A. No, he was not there.

5 Q. Okay. And when you gave him the election  
6 papers, was the envelope sealed or not sealed?

7 A. It was sealed. I had sealed it.

8 Q. Okay. And then you gave him the papers to  
9 mail?

10 A. Yes.

11 Q. Okay. Mr. Esquivel, has your wife passed away?

12 A. No, my wife is ill right now. She's on a  
13 wheelchair. I couldn't bring her because she had to  
14 stay home waiting for a lady that was going to come see  
15 her this morning.

16 Q. All right. I'm sorry, I confused you with  
17 somebody else who has a similar name. I apologize.

18 A. Thank you.

19 (Contestant's Exhibit No. 78 marked.)

20 MR. WYDE: I have no further questions.  
21 We'll offer Contestant's 78.

22 MR. WOOD: No objection to 78. I have no  
23 questions for the witness.

24 THE COURT: Exhibit 78 is admitted.

25 Mr. Esquivel, you may be finally excused. Thank you,

1 sir.

2 THE WITNESS: Thank you very much.

3 MS. SEPULVEDA: Next is number 8, Manuel  
4 Garcia.

5 MR. RICH: Would you repeat it one more  
6 time, please?

7 MS. SEPULVEDA: Yes, number 8, Manuel  
8 Garcia.

9 MR. RICH: Thank you.

10 MS. WOERTENDYKE: He's going to be page 9,  
11 number 21. Page 9, number 21.

12 THE COURT: Were you sworn in earlier?

13 THE WITNESS: Yes, sir.

14 THE COURT: If you'll just have a seat in  
15 that brown chair right there. And would you state your  
16 name for the record, please?

17 THE WITNESS: Manuel A. Garcia.

18 MANUEL GARCIA,  
19 having been first duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. WYDE:

22 Q. Good morning, Mr. Garcia.

23 A. Good morning.

24 Q. Thank you for being here today, sir. May I ask  
25 you if you were living at 3713 Abilene either back in

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1 February or up until now?

2 A. No, at 3718 Abilene.

3 Q. 3718?

4 A. Yes.

5 Q. Excuse me. And you sure it's not 3713?

6 A. We used to live there for a long time, but our  
7 house has burned down.

8 Q. Okay.

9 A. So we live right next -- right in front of that  
10 address.

11 Q. Right. Do you still receive mail at 3713  
12 Abilene?

13 A. Yes.

14 Q. Okay. I understand, you know, you have the  
15 even numbers on one side of the street and odd numbers  
16 on the other.

17 A. Yes.

18 Q. And so are you suggesting that -- how is 3713  
19 behind --

20 A. In front.

21 Q. -- next to 3718?

22 A. It's in front. 3718's in front of 3718 (sic),  
23 so we're renting there after the house was burned. But  
24 yes, they leave the mail there at both addresses.

25 Q. Is there any house at 3713 Abilene anymore?

1 A. No.

2 Q. No?

3 A. Huh-uh.

4 Q. Just a lot?

5 A. Just a lot.

6 Q. And Mr. Garcia, back in February this year, did  
7 anyone come by to visit with you about voting by mail or  
8 absentee voting, if you remember?

9 A. Yes.

10 Q. Okay. Is that something that happens in your  
11 neighborhood around election time every year?

12 A. Well, that never happened to me in all these  
13 years that I've been living there. I've been living  
14 there since 1973.

15 Q. Uh-huh. Okay. And do you recall -- this  
16 person that came by, can you describe them for us?

17 A. Well, I don't remember his face, but -- because  
18 he was always filling out the papers and asking  
19 questions and filling them out, and I asked him -- he  
20 said, we are pushing these people, this and this, and  
21 named them all in a hurry, and I said, well, I don't  
22 know them. Well, you want to vote for them. I said,  
23 well, I don't know right there -- voting for, so he  
24 said, well, you'll -- just sign here, and that means he  
25 came and vote -- and you sign and you agree and -- but I

1 don't even know if they're Democrats or does that have  
2 to do something with this election or -- he said, yeah,  
3 yeah, and he kept on writing. So I really can't  
4 describe -- he was about 5'7".

5 Q. Okay. Did -- is this your signature, if you  
6 will?

7 A. Yes.

8 Q. Okay. Did this person that came by help you  
9 fill out -- did you fill out the papers, the choices, or  
10 did he fill them out?

11 A. He filled them out.

12 Q. Did you tell him who you wanted to vote for, or  
13 did he suggest who to vote for?

14 A. Well, he didn't give me a chance. He was just  
15 quick, and sign here, and I'll take them with me, and  
16 we'll mail them in.

17 Q. Just sign here?

18 A. Yeah.

19 Q. Okay. And he didn't give you a chance to what?

20 A. Nothing.

21 Q. Well, I'm asking you.

22 A. Oh.

23 Q. He didn't give you a chance -- what did you  
24 want to do?

25 A. To ask him who the persons were, what they were

1 running for, and know something about them.

2 Q. Is it accurate to suggest that he basically  
3 voted for you?

4 A. Well, it looked that way, yeah.

5 Q. Is that kind of what happened?

6 A. Yes.

7 Q. And I mean, you know, nobody wants to get into  
8 an argument with somebody, and they are there to try to  
9 help someone else.

10 A. Yes, that's what I thought, well, he's trying  
11 to help and he's doing his work and dah, dah, dah, dah,  
12 and just sign here and we'll mail them in, okay.

13 Q. And so that's what you did, just signed and he  
14 took the papers?

15 A. Yes.

16 Q. Do you remember if the envelope was sealed or  
17 not sealed? And I'm referring to this envelope, the  
18 brown one.

19 A. I don't remember.

20 THE COURT: Counsel, that's not important  
21 at this time.

22 MR. WYDE: Can I get you to sign that -- I  
23 mean, do that?

24 (Contestant's Exhibit No. 79 marked.)

25 Q. (BY MR. WYDE) Did you recognize the

1 individual?

2 A. I'm not sure if I --

3 Q. The person that took your ballot, are they in  
4 this stack of papers, by any chance?

5 A. (Looking through photos) No.

6 Q. Okay. And do you recall who the person was  
7 trying to suggest you should vote for, one way or  
8 another?

9 A. No, he just said that there were five persons  
10 that he was pushing for, he was working for.

11 Q. Uh-huh. And you don't remember any of their  
12 names?

13 A. No.

14 Q. Okay. All right. Thank you, sir.

15 A. You're welcome.

16 MR. WYDE: We'll offer Contestant's 70 --

17 THE COURT: Just a second, sir.

18 MR. WOOD: I have no further questions,  
19 Your Honor, and I have no objection to 79.

20 THE COURT: 79 is admitted. Thank you,  
21 Mr. Garcia. Just for future reference, when you're  
22 voting, for your own protection, don't let anyone mark  
23 your ballot for you. Do it yourself, okay, and don't  
24 let anyone talk to you while you're marking it either,  
25 okay? And mail it yourself, just to make sure. There

1 are sometimes unscrupulous people out there.

2 THE WITNESS: Yes.

3 THE COURT: Thank you, sir.

4 THE WITNESS: Maybe next time I'll go  
5 straight to the voting.

6 THE COURT: Yes. Well, be sure to vote.

7 THE WITNESS: Yes, sir. Thank you.

8 THE COURT: Thank you, sir, and you're  
9 finally excused.

10 MS. SEPULVEDA: Thank you, Mr. Garcia.

11 We have number 9, Pedro Garcia, number 9,  
12 Pedro Garza --

13 THE BAILIFF: Garza.

14 MS. SEPULVEDA: -- excuse me.

15 MS. WOERTENDYKE: He's on page 9, number  
16 37.

17 THE WITNESS: Good morning.

18 THE COURT: Were you sworn in before?

19 (Interpreter translating)

20 THE WITNESS: Yes.

21 THE COURT: Thank you. Be seated, please.  
22 Would you state your name, please?

23 THE WITNESS: My complete name is Pedro  
24 Adolfo Garza Lopez.

25 PEDRO GARZA,

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

3 DIRECT EXAMINATION

4 BY MR. WYDE:

5 Q. Good morning, Mr. Garza.

6 A. (In English) Good morning, yes.

7 Q. Thank you for coming today.

8 A. (In English) All right. Thank you very much.

9 Q. Yes, sir. And no one is going to suggest that  
10 you've done anything wrong or improper, okay?

11 A. Perfect.

12 Q. Yes, sir. And we asked you to come to have you  
13 answer or tell us about these people that might come by  
14 your house and want to visit with you about your vote  
15 and the election papers.

16 A. Yes, sir.

17 Q. In February of this year, did you receive a  
18 green envelope with some election papers?

19 A. I don't remember.

20 Q. Do you --

21 A. I have seen an envelope like this before, but I  
22 don't remember when.

23 Q. Okay. Do you live at 4120 Orlando Court?

24 A. (In English) It's 4122. Before, I was living  
25 next door. I changed to 22.

1 Q. Uh-huh. Okay. And do you still get your mail  
2 at 4120 Orlando, or have you asked all your mail to be  
3 sent to 4122?

4 A. (In English) Sometimes going to 4120,  
5 sometimes to 4122.

6 (By the Interpreter) I do know some, but I  
7 don't know a lot of English.

8 Q. Same here.

9 A. Okay.

10 Q. Mr. --

11 A. Garza.

12 Q. -- Garza, did someone come by your home and try  
13 to take the election papers from you earlier this year  
14 telling you that they were going to mail it or mail  
15 these papers back?

16 A. Yes.

17 Q. Okay. And let me show you this piece of paper,  
18 Mr. Garza, and suggest it's kind of a copy of this brown  
19 envelope here.

20 A. Okay.

21 Q. And is -- do you remember this person asking  
22 you to sign the brown envelope and trying to take the  
23 papers from you?

24 A. Not exactly. I don't remember that day. That  
25 day, he took me some papers so that I could vote. But

1 no, when we get old, memory just fails you.

2 Q. Well, the papers, did they come to your house  
3 in a green envelope like this, or did this person bring  
4 the papers to you?

5 A. I do remember that this has come to my house,  
6 but unfortunately, I -- regretfully, I don't remember  
7 whether he brought the papers or I gave him my papers.  
8 I don't remember what it was that I did.

9 Q. Okay.

10 A. I would like to be honest and sincere, but I  
11 just don't remember.

12 Q. Did other -- did someone else come to your home  
13 later after the election and ask you some questions  
14 about what happened to the papers?

15 A. I would like to talk about how everything is.  
16 One afternoon, I was at my house and a young man, kind  
17 of chubby guy, he came by for the second time. He had  
18 gone by there once before in other previous elections.  
19 I was busy around my house, but I did ask him to come in  
20 and I did talk to him, but I don't remember these  
21 papers. I'm sorry.

22 Q. Oh, no apology is necessary. No one's  
23 suggesting you've done anything improper.

24 Do you actually remember filling out any of  
25 the papers that came, or do you only remember signing an

1 envelope in February or March of this year?

2 A. Probably this came to my house and I signed it  
3 and returned it. Excuse me. But I would like to say  
4 something because this is not ever going to happen to  
5 me. I before would always vote with this, and I don't  
6 want to get into any more problems. (In English) The  
7 next time I go to school, sign --

8 (By the Interpreter) I will sign and then  
9 go home. There were two ladies that did come by another  
10 day and one of them said she was a notary and they were  
11 investigating how this person was. After that, two men  
12 went by with some pictures, like copies of pictures, and  
13 they asked me if I could look at them and if I could see  
14 them, and I said that it seemed like it was that one.  
15 They looked like policemen, but they were not uniformed.

16 Q. All right. Are these pictures -- did any of  
17 these people come by the house to talk to you about your  
18 vote?

19 A. (Looking through photos) This one looks a lot  
20 like him.

21 Q. Which one?

22 A. It seems like it's this one, but the one that  
23 came by my house was not bald. This one is not. I  
24 don't believe it's this one. It's not this one either.  
25 Not this one either. I don't believe it's this one

1 either. And this one is not it either. I am just not  
2 sure because this one's kind of blurry.

3 Q. Yes, sir. That's okay.

4 A. It's probably that it's one of these, but I'm  
5 not sure.

6 Q. All right. Well --

7 A. (In English) Is this for you?

8 Q. Si.

9 A. (In English) Okay.

10 (Contestant's Exhibit No. 80 marked.)

11 Q. One last question, Mr. --

12 A. Garza.

13 Q. -- Mr. Garza.

14 A. Yes, of course.

15 Q. This is your signature, correct?

16 A. Yes.

17 Q. When the -- when you signed the envelope, do  
18 you remember if it had been sealed or not? Was it just  
19 flapped over? Had it been sealed or not or just folded  
20 over?

21 A. When they came to my house, and I don't  
22 remember whether it was this envelope or this one, but  
23 it was open.

24 Q. I'm trying to find out if you returned -- if  
25 you were the one that put the papers in and mailed it,

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1 or did someone do that for you?

2 A. I have everything very organized, and I think I  
3 sent it by mail. I think. And about that person that  
4 came to the house, that's separate.

5 Q. Okay.

6 MR. WYDE: No further questions, Your  
7 Honor.

8 MR. WOOD: I have no objection to  
9 Contestant's Exhibit 80, and I have no further  
10 questions, Your Honor.

11 THE COURT: Admitted. And thank you,  
12 Mr. Garza. You're free to go.

13 MS. SEPULVEDA: 12, Isabel Guana.

14 THE INTERPRETER: Your Honor, he just  
15 wanted to apologize for not being able to remember.

16 THE COURT: He did fine. Thank you.

17 THE WITNESS: Thank you.

18 MR. RICH: Have a good weekend.

19 MS. SEPULVEDA: Your Honor --

20 THE COURT: Yes.

21 MS. SEPULVEDA: -- may I approach quickly?

22 THE COURT: Yes.

23 MS. SEPULVEDA: We just were notified that  
24 Ms. Haywood on the next page, she's deceased now, just  
25 so you can mark it.

1 THE COURT: Haywood.

2 MS. SEPULVEDA: It's Ms. Milburn Haywood,  
3 with an H.

4 THE COURT: Okay. Thank you.

5 MS. WOERTENDYKE: Your Honor, at the  
6 bottom, number 7, Everlean Hall is also deceased, on the  
7 same page you were on for the 13th, July 13th.

8 THE COURT: Okay. Hall?

9 MS. WOERTENDYKE: Everlean Hall.

10 THE COURT: Let me see, did you say bottom?  
11 Okay, got it.

12 MS. WOERTENDYKE: Yes, he's deceased, and  
13 Milburn Haywood is number 5.

14 MR. WYDE: May I?

15 THE COURT: Yes.

16 ISABEL GUANA,

17 having been first duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. WYDE:

20 Q. Good morning, Ms. Guana.

21 A. Good morning.

22 Q. How are you doing?

23 A. Fine, thank you.

24 Q. Thank you for being here today, ma'am.

25 A. Thank you.

1 Q. Ms. -- is it Guana?

2 A. Guana.

3 Q. Ms. Guana, are you living at 3031 Clymer?

4 A. Yes, sir.

5 Q. Yes, ma'am. And earlier this year, there  
6 was -- there's several elections, but the first big one  
7 is generally in March and referred to as the Democratic  
8 party primary. Do you recall receiving a green envelope  
9 in the mail with some election papers?

10 A. Yes, sir.

11 Q. Okay. Had you voted by mail in the past?

12 A. Yes, sir.

13 Q. Okay. Do you normally request your own ballot,  
14 or do you have somebody come by and ask you if you want  
15 to vote by mail?

16 A. They just send it to me.

17 Q. They just send it to you?

18 A. Uh-huh.

19 Q. Okay. Do you ever recall getting a piece of  
20 paper like this and signing it and turning it -- putting  
21 it back in the mail so you could get the papers?

22 A. No, sir.

23 Q. Is that your signature by your thumb -- your  
24 right thumb?

25 A. Right here?

1 Q. No, ma'am, down on the right-hand side.

2 A. Oh, right here?

3 Q. Yes, your other right.

4 A. I'm sorry.

5 Q. As they say in the Army. Is that a --

6 A. It doesn't look like my writing. I don't know.

7 Q. I'm sorry, I didn't --

8 A. It don't look like it's mine, but I don't know.

9 It might be.

10 Q. Okay. Now, when the papers come, do someone --  
11 does someone come by and offer to help you in filling  
12 them out?

13 A. No.

14 Q. Okay. Did you vote your own --

15 A. Yes.

16 Q. -- ballot? No one was there to offer to mail  
17 it for you?

18 A. No. No, I mail it -- I took it to the post  
19 office.

20 Q. Okay. Is this your signature?

21 A. Yeah, this one looks like mine.

22 MR. WYDE: May I have just a moment, Your  
23 Honor?

24 THE COURT: You may.

25 Q. (BY MR. WYDE) Ms. Guana --

1 A. Yes.

2 Q. -- I asked you if the top one was your  
3 signature and you weren't sure.

4 A. Uh-huh.

5 Q. And then I asked if this one down below is.

6 A. Now that I see, I think it -- yeah, I think I  
7 did write it.

8 Q. The below or --

9 A. Both. Both of them.

10 Q. Okay. Because I was just trying to -- you  
11 know, up here, you signed, but you didn't put the A.

12 A. I hardly ever put the A.

13 Q. Okay.

14 A. But I think I did it more nicer on the top  
15 because it didn't have, you know, enough space for me to  
16 put my elbow to do it.

17 MR. WYDE: I have no further questions.

18 THE COURT: Any questions?

19 MR. WOOD: No questions, Your Honor.

20 THE COURT: You may be finally excused,  
21 Ms. Guana.

22 MS. SEPULVEDA: Number 13, Juanita Lugo.  
23 13, Juanita Lugo.

24 MS. WOERTENDYKE: She's on page 10, number  
25 32. Page 10, number 3-2.

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1 THE COURT: Ms. Guana, what page was that  
2 on?

3 MS. WOERTENDYKE: She was on page 10,  
4 number 2.

5 THE COURT: Thank you.

6 THE BAILIFF: Have a seat in the brown  
7 chair, please.

8 THE WITNESS: In this one?

9 THE BAILIFF: Uh-huh, the brown one. Thank  
10 you.

11 THE COURT: Would you state your name for  
12 the record, please?

13 THE WITNESS: Juanita Lugo.

14 JUANITA LUGO,  
15 having been first duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. WYDE:

18 Q. Ms. Lugo, are you living at 931 Windomere?

19 A. Yes, sir.

20 Q. And we asked you to come to court today to have  
21 you tell us whether or not anybody offered to help with  
22 filling out your election papers back in February. Do  
23 you remember receiving some election papers in the mail?

24 A. Yes.

25 Q. Okay. Had you ever received them in the mail

1 in the past?

2 A. No.

3 Q. Okay. Did they come in a green envelope kind  
4 of like the one right here?

5 A. Yes, sir.

6 Q. And when they did show up, did anyone offer to  
7 help you fill them out?

8 A. Yes.

9 Q. Can you tell the Judge a little bit about that?

10 A. They came like two weeks ago when they sent me  
11 that -- a man came, and he said that he -- have I  
12 already signed the thing, I told him, no, and I just --  
13 I just saw like two persons.

14 Q. When you say you signed it and there was two  
15 persons --

16 A. No, they were at the -- you know, the paper  
17 where they -- at the voting for judge and for --

18 Q. I'm not quite understanding exactly what  
19 happened. Can you kind of repeat what you just said?

20 A. In the envelope.

21 Q. The green one or the brown one?

22 A. The green one.

23 Q. Yes, ma'am.

24 A. It had like names for your vote.

25 Q. Candidates?

1 A. Yeah.

2 Q. Yes, ma'am.

3 A. And I just chose like three candidates, that's  
4 it.

5 Q. Was there someone there with you when you  
6 marked it?

7 A. Yeah.

8 Q. Okay. And did they read the names to you or --

9 A. No.

10 Q. -- make any suggestions?

11 A. No.

12 Q. Okay. Where were you when this happened? Were  
13 you in the kitchen or --

14 A. No, I was in the living room.

15 Q. Okay. And do you know why that person came? I  
16 mean, what did they say to you?

17 A. No. He just said if I wanted to vote.

18 Q. Okay. And after you voted, did you give him  
19 the papers?

20 A. Yes.

21 Q. Okay. Do you recall him signing or -- I mean,  
22 sealing the envelope or anything?

23 A. No.

24 Q. Do you think the envelope was sealed or not  
25 sealed?

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1 A. No, I don't think it was sealed.

2 Q. I'm -- can you say that again?

3 A. I don't think it was sealed.

4 Q. Okay. Is this your signature, Ms. Lugo, on a  
5 copy of what looks like -- kind of that like envelope?

6 A. Yes.

7 Q. And did you -- when you finished voting --  
8 marking the papers, did you put them in the brown  
9 envelope, or did this other person do that for you?

10 A. I think he did it. I'm not sure. I don't  
11 remember.

12 Q. Do you remember the person's name?

13 A. No.

14 Q. And did he tell you who he was trying to help  
15 or not help?

16 A. No, he didn't tell me that.

17 Q. When you put the papers or when he put the  
18 papers in the envelope, were they still loose, or were  
19 they in any other envelopes?

20 A. No, it was loose.

21 Q. I'm sorry?

22 A. It was loose.

23 Q. Okay.

24 A. Uh-huh.

25 (Contestant's Exhibit No. 81 marked.)

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1 MR. WOOD: I have no objection to  
2 Contestant's 81, and I do not have any questions of the  
3 witness.

4 THE COURT: Admitted. Anything further?

5 MR. WYDE: No, Your Honor.

6 THE COURT: Thank you. You're finally  
7 excused. Thank you, ma'am.

8 MS. SEPULVEDA: Number 14, Mary Martinez.

9 MR. RICH: Thank you, Ms. Lugo.

10 THE WITNESS: Thank you.

11 MS. SEPULVEDA: 14, Mary Martinez. Your  
12 Honor, may I approach?

13 THE COURT: Yes.

14 MS. SEPULVEDA: On that first page, number  
15 1 and number 2, both Bandas have just shown up, Lisa  
16 Banda and Hector Banda.

17 THE BAILIFF: Have a seat in the brown  
18 chair, please.

19 THE COURT: Were you sworn in previously?

20 THE BAILIFF: Ma'am, were you sworn in  
21 previously?

22 THE INTERPRETER: She said she spoke  
23 English, so I didn't want to be offensive.

24 (Interpreter translating)

25 MS. WOERTENDYKE: Judge, she's on page 10,

1 number 43.

2 THE WITNESS: Yes.

3 THE COURT: Number what?

4 MS. WOERTENDYKE: Number 43.

5 MR. WOERTENDYKE: The last one.

6 MR. WOOD: What page?

7 MS. WOERTENDYKE: 10.

8 MR. WOERTENDYKE: Page 10, the very last  
9 one.

10 THE COURT: Would you state your name,  
11 please?

12 THE WITNESS: Mary Martinez.

13 THE COURT: And were you sworn in earlier?

14 THE WITNESS: Yes.

15 THE COURT: Thank you.

16 MR. WYDE: Yes, sir.

17 MARY MARTINEZ,

18 having been first duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. WYDE:

21 Q. Ms. Martinez, thank you for being here today.

22 A. Can you get closer, please?

23 Q. Yes, ma'am. Yes, ma'am. Thank you for being  
24 here today.

25 A. Yes.

1 Q. Yes, ma'am. No one is suggesting that you have  
2 done anything wrong.

3 A. That's what I was going to ask, what did I do  
4 wrong.

5 Q. You -- no one's here to suggest you've done  
6 anything wrong, okay?

7 A. Okay.

8 Q. I am -- did ask you to come down because it's  
9 my understanding that you got a green envelope and you  
10 voted maybe by mail or absentee earlier this year. Does  
11 that jog your memory a little bit?

12 A. Yes.

13 Q. Okay.

14 A. I think that somebody came to my house.

15 Q. Okay. And can you tell me a little bit about  
16 when they came, was it one or two people?

17 A. There were two.

18 Q. Had you received these papers in the green  
19 envelope yet, or did they bring them to you?

20 A. I don't remember.

21 Q. That's okay. That's okay. Did those people  
22 that came to your house, did they want to talk to you  
23 about the election and who to vote for?

24 A. They just asked me, you know, who I was going  
25 to vote for, you know. They had a paper with them, and

1 I had to sign it.

2 MR. WYDE: Did you get all that?

3 THE REPORTER: Yes.

4 Q. Did you actually mark who to vote for, or did  
5 someone help you with that?

6 A. Oh, my gosh.

7 Q. Take your time.

8 A. I think they had -- they asked me who I wanted  
9 to sign for.

10 Q. Okay.

11 THE COURT: I'm sorry, I can't hear. What  
12 was the answer?

13 Q. (BY MR. WYDE) Can you repeat --

14 THE COURT: Let me ask the court reporter  
15 to read it back to me.

16 (Requested portion was read)

17 A. (Inaudible)

18 Q. (BY MR. WYDE) How did you --

19 MR. RICH: Would you translate?

20 A. (Through the Interpreter) I'm 84 years old,  
21 and I don't remember things.

22 MR. RICH: All right.

23 THE COURT: I tell you what, let's -- I  
24 think it may work a little better just to go ahead and  
25 have everything translated on this and --

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1 THE INTERPRETER: So, Your Honor --

2 THE COURT: -- make sure --

3 THE INTERPRETER: -- if the witness is  
4 speaking English, just repeat --

5 THE COURT: Let me just ask her to answer  
6 in Spanish so that we can interpret it, if she doesn't  
7 mind.

8 THE WITNESS: Okay.

9 Q. (BY MR. WYDE) If -- Ms. Martinez, the two  
10 people that came to your home, did they actually come  
11 inside and look at the papers, the election papers, with  
12 you?

13 A. They did not come in.

14 Q. Okay. Did you -- had you voted your papers  
15 already before they got there, or did they ask you to go  
16 get the papers and make sure you voted?

17 A. I don't remember, but they are the ones that  
18 brought the papers. They didn't use this envelope.

19 Q. Okay. The brown envelope, Ms. Martinez, do you  
20 recall anyone asking you to sign up here in the top  
21 right-hand corner?

22 A. No, it was a white paper.

23 Q. May -- let me hand you this and ask you if that  
24 piece of paper, which is a copy of the brown one, is  
25 that your signature?

1 A. Yes.

2 Q. Okay. Ms. Martinez, is it possible that you  
3 were asked to sign the brown envelope and then gave the  
4 people the other papers that go with it?

5 A. I didn't understand.

6 Q. Okay. Well, normally, this brown envelope and  
7 the other papers that have the candidates' names come in  
8 this green envelope. So when these people came and  
9 asked you to sign the brown envelope, do you remember  
10 what happened with the other papers?

11 A. I don't remember that there were any other  
12 papers. I know that it was a white paper, and it was  
13 only one time that I signed.

14 Q. Okay. And did you give these papers to someone  
15 else?

16 A. No, they took the paper because they had  
17 brought them.

18 Q. Okay. And you're sure about that,  
19 Ms. Martinez, that they brought the -- all of the papers  
20 to you?

21 A. I don't know how many papers there were, but I  
22 know that I signed a white paper, and it's that one  
23 there.

24 Q. Okay. Ms. Martinez, do you remember whether or  
25 not when you signed the -- this is -- you know, do you

1 understand this is a copy of what you signed?

2 A. Yes.

3 Q. Okay. And it's highly likely that it was an  
4 envelope like this one. Do you recall if it was  
5 actually sealed with the glue, or do you recall if you  
6 were asked to sign it when it was just folded down?

7 A. I don't remember. It should have been sealed  
8 because I don't remember that it opened. I don't  
9 remember seeing it. I just saw the white one.

10 Q. Okay.

11 (Contestant's Exhibit No. 82 marked.)

12 MR. WOOD: I have no objection to  
13 Contestant's 82.

14 THE COURT: Admitted.

15 MR. WOOD: I have no questions.

16 THE COURT: Anything further?

17 MR. WYDE: No.

18 THE COURT: Thank you. You may be finally  
19 excused.

20 THE WITNESS: What is it that I did wrong  
21 in this?

22 MS. WOERTENDYKE: Nothing.

23 MR. WYDE: Nothing, ma'am. You did  
24 absolutely nothing wrong.

25 MS. SEPULVEDA: Walter Ybarbo.

1 MR. RICH: Repeat it, please.

2 MS. SEPULVEDA: Walter Ybarbo. It should  
3 be written in.

4 MR. WOOD: What page is it on?

5 MS. WOERTENDYKE: Okay. He's going to be  
6 on page 12, number 30. Is that Y-B-A-R-B-O?

7 MS. SEPULVEDA: Yes.

8 MS. WOERTENDYKE: He's actually scheduled  
9 on the 12th at 9:00 o'clock, but he's on page 12, number  
10 30, and he's at the bottom of the list for -- he's on  
11 number 19 at 9:00 o'clock.

12 THE COURT: Would you state your name for  
13 the record, please?

14 THE WITNESS: Walter Ybarbo.

15 WALTER YBARBO,

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

18 DIRECT EXAMINATION

19 BY MR. WYDE:

20 Q. Mr. Ybarbo, thank you for coming today. I  
21 wanted to ask if anyone came to your home on Odessa back  
22 maybe in February wanting to discuss your vote?

23 A. Perhaps, yes. Three people came by, and they  
24 filled out a questionnaire. And the three of them were  
25 working with this questionnaire, and it seemed very

1 strange to me because we had had another one that had  
2 come by to fill out a paper -- that paper, and this guy  
3 never came back. It was these other three that came  
4 back, I'm telling you.

5 They filled out the paper, and it seemed  
6 very strange to me. He put it in his bag and left and  
7 took it, and that day was the day of the elections. It  
8 was election day, and I went to the voters' place in  
9 order to unfool myself, and I asked them there if that  
10 was okay, and the person said that they didn't know who  
11 that might be, and I asked them if I could sign because  
12 it didn't seem that that vote was right, and an American  
13 man that was there told me that it was okay. He gave me  
14 one of these papers, and I signed it and then I put it  
15 in the little box, and that was it.

16 Q. Mr. Ybarbo, do you remember anyone coming to  
17 ask you to sign something like this brown envelope?

18 A. Well, it was this one.

19 Q. Well, Mr. Ybarbo, is --

20 A. It looks like it.

21 Q. Yes, sir. Well, you indicated several people  
22 came by more than once.

23 A. They had gone by before because they were going  
24 to bring the voting things.

25 Q. Well, that --