

1 mean we're back into order, so --

2 MR. RICH: Amalia?

3 MS. WOERTENDYKE: Amalia Enriquez.

4 AMALIA ENRIQUEZ,

5 having been first duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. WYDE:

8 Q. Hello, Ms. Enriquez.

9 A. Hello.

10 Q. How are you doing?

11 A. Just fine, thank you.

12 Q. Thank you for coming in this afternoon.

13 A. You're welcome.

14 Q. I asked you to come down not because you're in
15 any trouble or you've done anything wrong, okay?

16 A. Okay.

17 Q. But I wanted to ask you a couple of questions
18 about anybody that may have come by the house hoping to
19 help you with some election papers, and there's nothing
20 wrong with that as long as they kind of do it by the
21 law.

22 A. Uh-huh.

23 Q. Okay?

24 A. Okay.

25 Q. And it's common for people to have, you know,

1 their family and friends out there going door-to-door
2 asking folks like yourself to vote for this person or
3 vote for that person.

4 Do you remember getting some green -- some
5 election papers in a green envelope at your home this
6 past spring?

7 A. I really don't. My mom looks through my mail.
8 My mom checks my mail, but I remember that night, that
9 she said somebody had come by the house to help us to
10 vote.

11 Q. Okay.

12 A. I remember that part.

13 Q. Okay.

14 A. Not all of it.

15 Q. And do you -- were you living at the time at
16 3118 --

17 A. Yes, sir.

18 Q. -- Lapsley?

19 A. Yes, sir.

20 Q. Okay. Did -- what did your mom tell you about
21 the person that came by?

22 A. That somebody was going to come help us to cast
23 our votes.

24 Q. Okay.

25 A. That we could cast them at home.

1 Q. Had you ever done that or --

2 A. No. No.

3 Q. -- before, or your mom?

4 A. No, I hadn't.

5 Q. Okay. Do you remember -- did that person ever
6 come back by or come in and offer to help?

7 A. He came in to offer to help and he said the
8 names had to be the same. The signature had to be the
9 same, I believe he said.

10 Q. Okay.

11 A. So my mom, I think, signed for me because she
12 had signed for the voter's card.

13 Q. Uh-huh. Is this your signature --

14 A. Let me see if I can --

15 Q. -- down here, Ms. Enriquez?

16 A. Oh, yeah, that's my signature -- wait a minute.
17 No, that's my mom's signature.

18 Q. Okay. And what is your mom's name?

19 A. Benita Villa. Because I'm schizophrenic, she
20 signs my voter cards.

21 Q. Okay. So your mom signs your name for you?

22 A. Uh-huh, yes.

23 Q. Okay. And you're -- but your name is --

24 A. Amalia Enriquez.

25 Q. -- Amalia, but your mom is --

1 A. Benita Villa.

2 Q. Villa?

3 A. Uh-huh.

4 Q. Okay. And did -- when the papers came -- is
5 your mom a U.S. citizen?

6 A. Yes, she is.

7 Q. Okay. And when the papers came, does your mom
8 vote the papers, or do you mark the papers, or how does
9 that work?

10 A. I don't remember. I think she marks them. I
11 excused myself from voting, I tried to, but I think she
12 marks them. I'm not sure.

13 Q. Is this your mom's signature right here where
14 she says Benita Villa?

15 A. Uh-huh.

16 Q. And --

17 A. Amalia Enriquez, yeah, that's her.

18 Q. Okay. Okay. And is this your mom's signature
19 on your vote -- I mean, on this -- is that your mom's
20 signature on the back of what would probably be one of
21 these envelopes?

22 A. I think so.

23 Q. Okay.

24 A. I believe that's my mom's signature.

25 Q. Yeah, they match.

1 A. Those are my mom's signatures, I think.

2 Q. Okay. So she signs your name?

3 A. Yes, she does.

4 Q. Okay. And let me -- I showed you this one with
5 your mom's signature.

6 A. Uh-huh.

7 Q. Is it -- is this accurate that --

8 A. My daughter has medical problems, yes, uh-huh.

9 Q. And what does it say, and I was told --

10 A. To -- I could vote for her.

11 Q. Okay. Do you know who told her that or how
12 that kind of came about?

13 A. The only reason that I remember the guy's name
14 was she told my dad Tocayo. Do you know what that word
15 means?

16 Q. No, ma'am.

17 A. It's a Mexican name that we use for when -- we
18 have the same name, Tocayo, and he called my dad Tocayo
19 so his name was Joe Medrano.

20 Q. Okay. I -- so the gentleman named Joe
21 Medrano --

22 A. Came to our house.

23 Q. Okay. And he said to your mom --

24 A. That she could vote for me.

25 Q. Okay. Is that person in any of these pictures?

1 A. Oh, I don't think I would recognize him, but
2 let me look. Maybe I can recognize him. (Looking
3 through photos) No, I don't recognize him. No, I won't
4 recognize him. I don't see him in there.

5 Q. Okay.

6 A. I didn't recognize any of them.

7 Q. Yes, ma'am.

8 (Contestant's Exhibit No. 93 marked.)

9 MR. WYDE: We'll offer Contestant's 93 to
10 Mr. Wood.

11 MR. WOOD: Your Honor, he's attached
12 another affidavit to this. I don't have any objection
13 to 93 except for the affidavit.

14 THE COURT: I'll sustain the objection to
15 the affidavit under this witness.

16 MR. WYDE: It was solely for the purpose of
17 the signature. I meant to say that to Mr. Wood because
18 it contains the mother's signature as opposed to --

19 THE COURT: Okay.

20 MR. WYDE: So --

21 THE COURT: Any objection for the limited
22 purpose --

23 MR. WOOD: I have no objection to that.

24 THE COURT: -- of signature?

25 MR. WOOD: No.

1 THE COURT: Admitted for that limited
2 purpose. Thank you.

3 MR. WYDE: I apologize.

4 THE COURT: The remainder of it's admitted
5 in whole.

6 MR. WYDE: Yeah. For the -- well --

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

8 MR. WYDE: For the record, apparently, the
9 mom signed --

10 THE COURT: Right.

11 MR. WYDE: -- her name, and then the mom
12 signed her own name on the affidavit.

13 THE COURT: Right.

14 MR. WYDE: So that was why --

15 THE COURT: I understood that.

16 MR. WYDE: Yes, sir.

17 THE COURT: Thank you. You're free to go.
18 Thank you very much.

19 THE WITNESS: Thank you.

20 MR. WYDE: Yes, ma'am.

21 MR. RICH: Thank you. Have a good weekend.

22 THE WITNESS: Thank you.

23 THE COURT: Who's your next one?

24 MS. WOERTENDYKE: Now we're going to do
25 Carlos Guerra, G-U-E-R-R-A. He's going to be on page

1 10, number 3.

2 MR. WYDE: The Court's familiar with
3 Chapter 86, Section 86.0078.C, Section I, small v,
4 schizophrenic exception for mother-daughter voting?

5 THE COURT: I just feel sorry for the mom.

6 MS. WOERTENDYKE: Oh, I do, too.

7 MR. WYDE: Absolutely.

8 THE COURT: You may proceed.

9 MR. WYDE: Absolutely.

10 CARLOS GUERRA,

11 having been first duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. WYDE:

14 Q. Mr. Guerra --

15 A. Yes, sir.

16 Q. -- thank you for being here today, sir. I
17 asked you to come down -- I sent you a subpoena because
18 we -- I had some questions about some of the procedures
19 that go along with mail-in voting. Nobody's here to
20 suggest that you've done anything wrong or improper or
21 any of those people out there. I understand it's
22 upsetting and can be a little nerve-racking when
23 somebody gets a subpoena.

24 So do you recall receiving one of these
25 green envelopes?

1 A. Yes, sir, I did.

2 Q. Back in the spring?

3 A. Uh-huh.

4 Q. And had you ever voted by mail beforehand or in
5 the past?

6 A. About three times.

7 Q. Okay. Well, when you get one of these green
8 envelopes, sometimes people will come around and say,
9 hey, we understand you requested some election
10 materials, you know, we're here to help you.

11 A. Right.

12 Q. And did that happen in your situation?

13 A. The last time, usually -- I usually mail it
14 myself. The last time, somebody came by, it was -- I
15 already had filled it and ready to be mailed, but they
16 came and said that they were losing some and they were
17 trying to collect them and take them in. I said, oh,
18 all right. I said -- they said because that's the main
19 reason they'll -- have them take it for you.

20 Q. Is this your signature, Mr. Guerra, a copy of
21 what's probably the back of one of these?

22 A. This is my signature here, yeah.

23 Q. Okay. Is this your signature? That one looked
24 a little bit differently to me, the one on the lower
25 right. Over on this side.

1 A. That's not my signature. That's not my
2 writing.

3 Q. Okay.

4 A. This is the way I sign all the time. That's
5 not mine.

6 Q. Yes, sir.

7 A. Uh-huh.

8 Q. And then I bet you remember this lady came by
9 maybe in March (pointing) --

10 A. Right.

11 Q. -- and she asked you some of the same questions
12 I'm probably asking, but that's your signature there,
13 right?

14 A. Yeah, right.

15 Q. So were you surprised when the materials showed
16 up in the mail, or had you thought you had requested
17 them, the voting materials?

18 A. I wasn't surprised because usually, when I
19 started receiving them by mail, it's been about three
20 times, and this time, I don't remember signing -- what
21 happened to the signing for this.

22 Q. Okay.

23 A. I don't know who signed that.

24 Q. Well, this one's the one that you signed, and
25 then did you give the election papers to the person that

1 had come by? Isn't that what you kind of just
2 mentioned?

3 A. I gave the envelope, but it was already closed.

4 Q. Okay. You sealed it?

5 A. Uh-huh.

6 Q. I understand. And then this signature is the
7 one that this lady got from you --

8 A. Right.

9 Q. -- asking some of these questions?

10 A. Uh-huh.

11 Q. But the one at the top, that's the one that --
12 where you supposedly requested these materials, and
13 that's not your signature?

14 A. No, it's not.

15 Q. Even though you got the materials in the mail,
16 do you approve of someone forging your name in order to
17 get the materials?

18 A. Oh, no, I don't.

19 Q. You don't approve of that?

20 A. No.

21 Q. When you voted, did anybody -- had anybody come
22 by or said, hey, can I make some suggestions to you
23 about some of these people that were running for these
24 jobs?

25 A. No, I didn't ever -- I always do it myself.

1 Q. Good for you.

2 A. Uh-huh.

3 (Contestant's Exhibit No. 94 marked.)

4 MR. WOOD: No objection to 94, and I have
5 no questions for this witness.

6 THE COURT: Admitted. And Mr. Guerra,
7 thank you very much. You're finally excused.

8 THE WITNESS: Thank you, Your Honor.

9 MS. WOERTENDYKE: Next one's going to be
10 Maria, same last name.

11 THE BAILIFF: Guerra.

12 MS. WOERTENDYKE: Thank you. She's going
13 to be number -- she's going to be on page 10, she's
14 going to be number 4.

15 THE BAILIFF: Have a seat in that brown
16 chair, please.

17 THE COURT: Would you state your name,
18 please? Maria, would you state your name, please?

19 THE WITNESS: Excuse me?

20 THE COURT: Would you state your name for
21 the record, please?

22 THE WITNESS: Okay. Maria Anna Guerra.

23 MARIA GUERRA,

24 having been first duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MR. WYDE:

2 Q. Good afternoon, Ms. Guerra.

3 A. Nice to meet you.

4 Q. I appreciate you being here today. We -- I
5 wanted to ask you a couple of questions about some of
6 these folks that come around and they offer to kind of
7 help you vote, and in some ways, that's okay, and
8 there's just a certain kind of way that it has to be
9 done.

10 A. Uh-huh.

11 Q. Do you remember this past election receiving
12 the green envelope like this one in the mail?

13 A. Yes.

14 Q. Okay. Is that something that had -- you had
15 requested in the past or you had ever voted absentee or
16 by mail?

17 A. We did it by ourselves, my husband and me.

18 Q. Uh-huh. And when you say you did it
19 yourselves, what do you mean by that?

20 A. We just signed it up and we both were -- for
21 Mr. -- what's his name -- it wasn't the one that's on
22 the paper, it was Mr. -- his name was Carlos Medrano,
23 and we signed it and we mailed it, and we sent it by
24 mail.

25 Q. Okay. Do you recognize this young lady here to

1 my right at this table? Do you remember her coming by
2 back in March to visit with you?

3 A. No, I don't remember.

4 Q. Is that your signature, Ms. Guerra?

5 A. Yes.

6 Q. Okay. Does that refresh your memory at all?

7 A. Uh-huh.

8 Q. As they say, kind of jog your memory?

9 A. Yeah.

10 Q. Uh-huh. When you voted or when you went
11 through the election materials, was it -- did you do
12 that by yourself or with your husband or anybody else?

13 A. With just my husband and me.

14 Q. Okay. Can you tell me if you recall telling
15 this lady here that a vote harvester had come to your
16 door to vote your mail -- vote your mail-in ballot? Do
17 you know what that means?

18 A. Yes.

19 Q. And you wrote down here you agreed with that?

20 A. Uh-huh.

21 Q. Do you mind telling us a little bit about that?

22 A. Well, I just told them that I don't remember
23 the name of that lady because nobody went to the house.
24 Only then -- then later on, there were two ladies going
25 to the house asking us if we filled out the paper.

1 Q. Yes, ma'am.

2 A. And I told them that, no, we just signed it,
3 the paper, but we didn't fill it out, the rest.

4 Q. When you say you just signed the paper but you
5 didn't fill out the rest --

6 A. Yeah, the one where they were showing us the --
7 you know, the paper that they were showing us, it wasn't
8 our handwriting. Only the signature was mine, but the
9 rest, I didn't fill it out.

10 Q. Right. That -- you're probably thinking about
11 this card here, this picture -- I mean, that --

12 A. Yeah, I didn't write on that one.

13 Q. Were those people that came, were they just
14 ordinary folks, or did they tell you they were with a
15 government office like the Attorney General's office or
16 anything like that?

17 A. They were checking out because they have so
18 many problem on signatures.

19 Q. Okay. But were they -- did they have
20 identification with them, you know, picture IDs? Did
21 they say, hey, I'm from such and such a department?

22 A. Yeah.

23 Q. Okay. So they were, I guess, official, or some
24 kind of law enforcement or something?

25 A. Uh-huh.

1 Q. Okay. By answering my question, do you think
2 you're going to get anybody in trouble or anything?

3 A. No, I don't think so, because what I'm saying
4 is, you know, what they did and what I told them.

5 Q. All right. Right. Well, when you got these
6 materials in the green envelope, I'm trying to -- I'm
7 trying to figure out what you meant when you told this
8 lady that somebody came to your door to vote your
9 mail-in ballot. What did you mean by that?

10 A. They just told us that they were checking out
11 did we fill out the papers and what we did with them,
12 and I told them that we just signed it and filled it up
13 and mailed it. But the papers that they show us, the,
14 you know, the questions they were talking about or what
15 they were saying, it wasn't our handwriting.

16 Q. Well, I know the people that came by after the
17 election.

18 A. After the election?

19 Q. Those people were with an office down in
20 Austin.

21 A. Yeah, well, then after --

22 Q. But this question here -- when this lady came
23 by --

24 A. Uh-huh.

25 Q. -- I'm sure those other people hadn't been

1 there yet. So I'm trying to -- I guess I'm trying to
2 find out from you who came around to talk to you about
3 your election papers before you mailed them in.

4 A. No, they don't go to the house before then
5 because we just filled it up, then after they go to the
6 house -- then after they go to the house, some other
7 couple of men went to the house.

8 Q. I'm not asking about those people.

9 A. Okay.

10 Q. Before you mailed these in, before you mailed
11 the papers in, did somebody come by to visit with you?

12 A. No.

13 MR. WYDE: No further questions.

14 MR. WOOD: I have a question.

15 CROSS-EXAMINATION

16 BY MR. WOOD:

17 Q. Ms. Guerra --

18 A. Yes, sir.

19 Q. -- you -- I believe you testified that no one
20 came by your house to pick up your ballot?

21 A. No.

22 Q. You mailed it?

23 A. Yeah, we mailed it.

24 Q. Okay. And there was -- you mentioned something
25 earlier in your testimony about a person by the name of

1 Carlos Medrano. Did I hear you properly?

2 A. Yes.

3 Q. And was he running for office?

4 A. No.

5 Q. But he didn't pick your papers up?

6 A. No.

7 Q. And he didn't help you vote?

8 A. No. That was -- this year, nobody helped us.

9 Q. Okay.

10 A. Last year, that one -- some other man came to
11 the house and we filled out the papers and we give it to
12 him, but not this year. This year, we filled out
13 everything.

14 Q. Okay. So Carlos Medrano didn't pick up any
15 ballots from you?

16 A. Huh-uh.

17 Q. Okay.

18 MR. WOOD: Thank you. I have no further
19 questions.

20 THE COURT: Thank you very much. You're
21 finally excused.

22 THE WITNESS: You're welcome.

23 MR. RICH: Have a nice weekend, Ms. Guerra.

24 THE WITNESS: Thank you, you too.

25 MR. RICH: Thank you.

1 THE BAILIFF: Amparo Solis.

2 MR. WOOD: What page?

3 MS. WOERTENDYKE: She's going to be page
4 12, number 4.

5 MR. RICH: Thank you.

6 THE COURT: You may proceed.

7 MR. WYDE: Yes, Your Honor.

8 AMPARO SOLIS,

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

11 DIRECT EXAMINATION

12 BY MR. WYDE:

13 Q. Good afternoon, Ms. Solis.

14 A. Good afternoon.

15 Q. Do you live at 2302 Lapsley?

16 A. Yes.

17 Q. Yes, ma'am. Ms. Solis, did you receive some
18 papers in a green envelope like the one right there in
19 that chair?

20 A. Yes.

21 Q. And Ms. Solis, did you have any help, or did
22 anyone assist you in filling out the papers in the green
23 envelope?

24 A. I don't remember. I signed and I -- all I did
25 was vote for Mr. Medrano.

1 Q. Okay. Well, did you -- what did you do with
2 the papers after you voted for Mr. Medrano?

3 A. I put them in the envelope, and I signed it.

4 Q. What did you do with the envelope?

5 A. Well, it was picked up -- somebody came by to
6 pick it up.

7 Q. And was that someone with the Cortez people?

8 A. I don't remember.

9 Q. Do you remember speaking with this lady here to
10 my left back in April?

11 A. No.

12 Q. Is this your signature, Ms. Solis?

13 A. Yes.

14 Q. Can you read English?

15 A. No.

16 Q. Did you tell this young lady that somebody with
17 the Cortez campaign somehow picked up your ballot to
18 mail for you?

19 A. I don't remember. Who may have -- who may have
20 falsely signed my signature or what?

21 Q. Well, I'm not suggesting anybody's falsely
22 signed your signature. Is that your signature?

23 A. Yes, that is my signature.

24 Q. Okay. And do you remember talking with this
25 lady here to my right back in April?

1 A. No. She didn't go to my house. I don't
2 remember.

3 Q. But you remember back in February voting for
4 Mr. Medrano?

5 A. Yes.

6 Q. And did you vote for anybody else at that time?

7 A. I don't remember.

8 Q. Mr. Cortez, running for constable?

9 A. No.

10 Q. Dr. Garcia?

11 THE INTERPRETER: I'm sorry?

12 MR. WYDE: Dr. Garcia.

13 A. Her name wasn't on the ballot.

14 Q. (BY MR. WYDE) Are you sure?

15 A. I don't remember. I'm 74 years old, so my
16 mind --

17 Q. Well, I -- the only reason I ask that,
18 Ms. Solis, is because when you came in, you -- when I
19 asked you about the materials, you said, I just voted
20 for Mr. Medrano, and that was the end of it. I never
21 asked you who you voted for. You just blurted that out,
22 and I was kind of curious as to why you were able to
23 remember that.

24 A. Okay.

25 Q. Are you afraid to tell us the truth?

1 Q. (BY MR. WYDE) When is the last time you've
2 seen Mr. Estrada?

3 A. Estrada?

4 MR. WOOD: Your Honor, that -- we've --
5 I've been awful patient. She's never said anything
6 about a Mr. Estrada. He's assuming facts not evidence.
7 When's the last time you've seen Mr. Estrada, she's
8 never said she's seen Mr. Estrada.

9 MR. WYDE: I'd be happy to rephrase it.

10 Q. (BY MR. WYDE) Do you know a Jackie, a young
11 man by the name of Jackie?

12 A. No.

13 MR. WYDE: No further questions.

14 MR. WOOD: No further questions. I don't
15 have any objection to 95, except he's attached the
16 affidavit and the affidavit is not in conflict. She
17 just -- it says down here someone with the Cortez
18 campaign -- Cortez campaign in answer to one of these
19 questions. She didn't write that, and I object to it
20 for -- there's no impeachment as far as the material
21 facts of this case.

22 MR. WYDE: We are going to show -- well,
23 first off, she's made a prior inconsistent statement
24 under oath. The affidavit is sworn to. At the end of
25 this election -- or evidence, we're going to call

1 Ms. Woertendyke, and she can explain how it is that
2 somebody there bilingual spoke to this witness, as all
3 of the witnesses, and was there to translate at the
4 time. Ultimately, that comes into evidence because it's
5 prior inconsistent statement sworn to under oath and his
6 objection goes to the weight, not admissibility.

7 THE COURT: Exhibit -- what number is that,
8 95?

9 MR. WOOD: It's 95, sir.

10 THE COURT: The objection at this time,
11 being no predicate has been laid. This witness has not
12 verified, so therefore, you'll have to have a sponsoring
13 witness to the contrary affidavit. She says she doesn't
14 remember, so --

15 MR. WYDE: Okay. I understand.

16 THE COURT: I'll sustain, on that ground,
17 the objection. And the other two pages, the application
18 and the carrier envelope, are admitted as Exhibit 95.
19 Anything further?

20 MR. WOOD: No. No, Your Honor. I'm sorry,
21 no questions.

22 THE COURT: Thank you. You're finally
23 excused, Ms. Solis. Thank you.

24 (Contestant's Exhibit No. 95A marked.)

25 MS. WOERTENDYKE: This is Ortega, first

1 name, B-R-A-U-L-I-O, is on page 7, number 23.

2 BRAULIO ORTEGA,

3 having been first duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. WYDE:

6 Q. Mr. Ortega --

7 A. Yes, sir.

8 Q. -- thank you for being here this afternoon,
9 sir. I wanted to ask you, if I can, do you recall
10 receiving some election materials in a green envelope
11 back in February?

12 A. Well, I received one, and I filled it out and I
13 mailed it.

14 Q. Okay. And did anyone contact you, Mr. Ortega,
15 and inquire as to whether they could help you in filling
16 out the application or the ballot?

17 A. As far as that concern, nobody went to help me.

18 Q. I'm sorry, I didn't quite understand.

19 A. I mean, I found the -- you're right, nobody got
20 in touch with me about helping me fill out the papers.
21 There were two persons that went up and asked me if I
22 received that envelope and if I had filled it out.

23 Q. Yes, sir.

24 A. And I told them I did. And he asked me if I
25 wanted to continue what I -- (speaking in Spanish) -- I

1 said, no, I did not like that idea, I already go to the
2 poll.

3 Q. Did those people that came up, did they come to
4 your home?

5 A. Yes, sir.

6 Q. Okay. And I take it you had not -- did you
7 even know that you had asked for a mail-in ballot or --

8 A. I never did ask for a mail-in ballot.

9 Q. Well, I'm kind of looking at these signatures,
10 and I just -- I don't know which one is yours or if both
11 of them are yours. May I show them to you?

12 A. Okay. Well, if I understand you right, they
13 did send me two, and one time, I didn't fill it out. I
14 went both to the poll, if I get the right -- if I get
15 your -- so --

16 Q. Are both of those your signature?

17 A. Oh, me, yes, probably I didn't do it very good,
18 but pretty close to it.

19 Q. Okay. Well, because a lot of times -- or
20 sometimes, I'm finding that some people didn't even
21 request the ballot, it just comes in the mail.

22 A. Yeah.

23 Q. And then a couple of days later, somebody
24 either calls or knocks on the door and says, hey, you
25 know, Mr. Ortega, can we come by and visit with you

1 about some of the people running for office, and most
2 people say, well, sure, come on by, or they just -- you
3 know, it's a Saturday and they're driving by, and they
4 stop and they come up and want to chitchat with you.
5 You know what I'm saying?

6 A. Yeah, I think I do.

7 Q. Okay. So in this situation, after you received
8 it, the papers, that somebody offered to help you and
9 you said, thank you, but no, thank you?

10 A. Well, if I remember right -- (speaking in
11 Spanish) -- when those two persons went, they did not
12 ask me for any help, they just asked me questions if I
13 received the envelope. That's all they -- that's the
14 only contact that I had with anybody.

15 Q. Okay. And you went ahead and made your own
16 choices and --

17 A. Yes, sir. When I filled it out, I done the
18 best I could.

19 Q. Well, sure. And then what did you do with the
20 papers? Did you --

21 A. I put them in the mail.

22 Q. Okay.

23 MR. WYDE: No further questions.

24 THE WITNESS: Is that all?

25 MR. WOOD: No further questions, Your

1 Honor.

2 THE WITNESS: Oh.

3 MR. WOOD: That's all right.

4 THE WITNESS: Okay. All right.

5 MR. WOOD: I don't have any questions, Your
6 Honor.

7 THE COURT: Mr. Ortega, you're finally
8 excused. Thank you, sir.

9 MR. RICH: It's finished, sir.

10 THE WITNESS: That's all?

11 MR. RICH: Yes. Have a good weekend, sir.

12 THE WITNESS: Thank you.

13 THE COURT: I'm not sure if they can't hear
14 me or if there's too much going on in front that they're
15 distracted.

16 MR. WOOD: They're looking out here.

17 MR. RICH: They're focusing this way, sir.

18 MS. WOERTENDYKE: The next one's going to
19 be Benita Villa. She's on page 12, number 19.

20 THE BAILIFF: Have a seat in the brown
21 chair, please.

22 BENITA VILLA,
23 having been first duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. WYDE:

1 Q. Good afternoon, Ms. Villa.

2 A. Good afternoon.

3 Q. Thank you for being here today, ma'am. It's
4 okay to smile.

5 A. All right. You're not going to put me in jail?

6 Q. Is that -- yes, ma'am. Is that what they're
7 saying out there in the hall?

8 A. Well, people say different things, you know.

9 Q. Well, tell us what they say.

10 A. Oh, that if we didn't come, they would put us
11 in jail and because we had signed those papers and this
12 and that.

13 Q. Really?

14 A. Uh-huh.

15 Q. Are you serious?

16 A. Yes.

17 Q. Do they say that out there in the hall or --

18 A. You know what, the one that took us that paper
19 to sign for -- she said the \$10 was for us to buy a new
20 card, you know, a new voter's card and the dollar was
21 for the bus. I said, the bus does not charge a dollar,
22 more than a dollar. You're smiling now, you're scaring
23 me.

24 Q. Yes, ma'am. I can be scary. I don't mean to
25 be.

1 A. Okay.

2 Q. I don't think you're scared, though.

3 A. No, I'm not. If you put me in jail, I should
4 rest because I work all the time.

5 Q. I've been in jail, too, and you know what, it
6 can be restful.

7 A. Yes.

8 Q. Well, Ms. Villa, it's nice to have somebody
9 who's willing to speak their mind, and you know, age has
10 its privileges.

11 A. Yes, that's what they tell me.

12 Q. So I would like very much for you to speak your
13 mind, and when you say that people think that somehow,
14 some way they're in trouble for coming down here or for
15 even voting, I would like for you to be very candid with
16 the Judge. I'd like for you to tell the Judge what
17 people are saying, because that can affect this whole
18 process. So we were kind of joking -- I mean, chuckling
19 a minute ago --

20 A. Yes.

21 Q. -- but are people seriously worried about what
22 they say?

23 A. I believe they are, especially the ones that
24 don't understand too much -- you know, they don't speak
25 too much English and stuff.

1 Q. Is that because they --

2 A. Because of the system because they say
3 sometimes any way they vote and they don't get the
4 candidate they voted for, things like that, which you
5 understand.

6 Q. Yes, ma'am, I've been a candidate before.

7 A. Okay.

8 Q. Yes, ma'am. And I've won and I've lost, so I
9 understand that. But I also understand that some folks
10 -- were you born in the United States?

11 A. Yes.

12 Q. I understand that some people that if -- even
13 if they're citizens and they weren't born in the United
14 States, they remember in other countries, not just
15 Mexico, but other countries where you can be put in jail
16 for telling the truth.

17 MR. WOOD: Your Honor, can we have a --
18 questions and answers that are related to this case --
19 we've got -- still people sitting outside, and it's
20 getting close to 5:00 o'clock -- instead of making a
21 speech?

22 MR. WYDE: I'm sorry, Judge. You know,
23 asking somebody to just come in here, and right off the
24 bat, expect them to open up to us -- Ms. Villa has
25 basically explained why it does take a few minutes to

1 get someone comfortable in order to -- for us to get to
2 the truth. That's what this whole process is designed
3 for is to get to the truth.

4 THE COURT: Let's get with the question and
5 answer now.

6 MR. WYDE: Yes, sir. Since we do have
7 local counsel, if Mr. Wood needs to leave, I understand
8 that.

9 THE COURT: Let's move along. I actually
10 may be leaving about 5:00, so --

11 MR. WYDE: I understand.

12 Q. (BY MR. WYDE) Well, Ms. Villa, did anyone come
13 by your home or call you and offer to help you in voting
14 in this past election back in February?

15 A. Yes.

16 Q. Okay. And is that something that happens
17 fairly often or was this the first time?

18 A. It was the first time.

19 Q. And I take it you live at 3118 Lapsley?

20 A. Yes, sir.

21 Q. And I just want you to know, I got that from
22 the elections people, not some investigation --

23 A. Okay.

24 Q. -- or anything, okay?

25 A. Uh-huh.

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

2 A. Yes.

3 Q. Okay.

4 A. Yes.

5 Q. And did you -- did someone come by or mail you
6 an application, Ms. Villa, in order for you to vote by
7 mail?

8 A. Yes.

9 Q. Was it the mailing the application to you, or
10 did they actually come by to ask you to sign?

11 A. No, it was mailed to me.

12 Q. Okay. Had you ever voted by mail before?

13 A. No.

14 Q. Okay. It's pretty convenient. Ms. Villa, it's
15 my understanding that somebody -- after you received the
16 papers here in the green envelope, that somebody came by
17 and offered to assist you or help you in filling out the
18 ballot?

19 A. Yes.

20 Q. Did they do that, or did you say, thank you,
21 but no, thank you?

22 A. Well, they helped -- they helped us. The
23 person was there when we opened the envelopes.

24 Q. Okay. And when you say the person, do you --
25 did they tell you their name or introduce themselves to

1 you?

2 A. Yes.

3 Q. May I ask you what their name is?

4 A. He said that his name was Medrano or something,
5 Jose Medrano.

6 Q. Okay. And was he a younger person or --

7 A. Younger.

8 Q. Okay. And did he mention that he had a
9 relative that was running for office?

10 A. Yes.

11 Q. Okay. Did he tell you how he was related to
12 the person on the ballot?

13 A. Yes.

14 Q. And what did he say?

15 A. He said he was a nephew, I think.

16 Q. Okay. And so when y'all -- when you said, we
17 opened our ballots, was that you and your husband?

18 A. Yes.

19 Q. Okay. Is he here today?

20 A. My husband is outside.

21 Q. Okay. Well, after you opened the ballots, did
22 this nephew of Mr. Medrano -- or this Jose Medrano, did
23 he make any suggestions to you as to who he was
24 supporting or not supporting?

25 A. No, he didn't say who he was supporting.

1 Q. Okay. Well, did that -- did he help you or
2 assist you in any way?

3 A. Well, to tell you the truth, I just looked it
4 over, and I just -- I saw the Spanish name, Medrano, so
5 I just write it down.

6 Q. Uh-huh.

7 A. I didn't have any information of who Medrano
8 was running for, the others, to tell you the truth.

9 Q. Yes, ma'am. Is that the only race you voted,
10 or did you vote some others?

11 A. No, I voted before, but I go to the school to
12 vote.

13 Q. Well, in this -- I'm just referring to what was
14 happening at your -- was this the kitchen table or the
15 living room?

16 A. The living room.

17 Q. Uh-huh. And you know, there's a whole bunch of
18 races on that paper. I mean, you could vote for
19 everything from the federal to the state to the county
20 to the local. So is that the only race that you were
21 voting?

22 A. I really don't remember. I just remember I
23 signed it where it said Medrano, and if I signed any of
24 it.

25 Q. And what did you do with the papers after you

1 marked?

2 A. We closed them, and then he took them.

3 Q. Okay. Okay. When you say you closed them, are
4 you telling us --

5 A. We close them, and I think he said to write on
6 the outside of the envelope my name, too, you know, so
7 that they would know that I had closed them.

8 Q. Do you see that picture up there?

9 A. Uh-huh.

10 Q. And can I show you this envelope, Ms. Villa?

11 A. Yes.

12 Q. Okay. When the envelope is closed, do you see
13 how the X lines up?

14 A. Yes.

15 Q. Okay. Do you remember when you signed, was the
16 envelope open or closed?

17 A. When I signed, it was closed.

18 Q. Well, when I say closed, was the flap simply
19 down or was it sealed, or did you just put it on the
20 paper and sign -- I mean, on the table and sign?

21 A. We closed it, and then I signed.

22 Q. Again, when you say -- well, when you say
23 closed --

24 A. I closed. Well, he said to close it, you know,
25 so we put some water on there and closed it and then I

1 signed it just like that.

2 Q. Okay. Well, then can you explain why -- when
3 your envelope was closed, can you explain why this
4 doesn't line back up, the X?

5 A. No, I don't.

6 Q. Could it have been opened afterwards, you
7 think?

8 A. Well, probably. Well, how come it's -- isn't
9 it shorter here? It looks like it's shorter here, no?

10 Q. Well, I --

11 A. Well, it looks like it's shorter on this side
12 than on this side, no?

13 Q. Yes, ma'am. Let me put that up there and we
14 can compare it.

15 A. Uh-huh. That's the way it should be.

16 Q. So if your envelope is closed and all of these
17 envelopes are printed the same way, can you explain why
18 the X didn't line up?

19 A. No, unless the -- it didn't close right or
20 something.

21 Q. Right.

22 A. Or unless it was opened after I signed it.

23 Q. Oh, you think it might have gotten -- could
24 have gotten opened after you signed it?

25 A. I guess. That would be an explanation.

1 Q. Well, there's two possibilities, right?

2 A. Yes, uh-huh.

3 Q. The third one is it was printed wrong, or it
4 was off center when it was printed?

5 A. Yes.

6 Q. Okay. And then this gentleman, he -- you gave
7 him the papers?

8 A. Yes, he took the envelopes with him.

9 Q. Both yours and your husband's?

10 A. Three.

11 Q. And who would be the third one?

12 A. Amalia, my daughter.

13 Q. Okay.

14 A. Amalia Enriquez.

15 (Contestant's Exhibit No. 96 marked.)

16 MR. WYDE: We'll offer Contestant's 96,
17 Your Honor.

18 MR. WOOD: No objections, Your Honor, and
19 no questions.

20 THE COURT: Admitted.

21 MR. WOOD: No questions.

22 THE COURT: You may be finally excused.

23 MR. WYDE: Thank you, Ms. Villa, it's been
24 very enjoyable visiting with you. Thank you for your
25 time.

1 THE WITNESS: Okay.

2 MR. WYDE: You have to go to jail now with
3 this gentleman.

4 THE WITNESS: Ooh, do I get some popcorn?

5 THE BAILIFF: He's kidding with you.

6 MR. RICH: Have a nice weekend. Thanks for
7 coming.

8 THE WITNESS: Thank you.

9 THE REPORTER: Judge, may I have a moment,
10 my machine's screen just went blue.

11 (Off the record.)

12 JOSE VILLA,
13 having been first duly sworn, testified through the duly
14 sworn interpreter as follows:

15 DIRECT EXAMINATION

16 BY MR. WYDE:

17 Q. Good afternoon, Mr. Villa.

18 A. Good afternoon.

19 Q. Mr. Villa, was that your wife who just
20 testified before yourself coming in?

21 A. Yes.

22 Q. And I wanted to ask a question because she
23 mentioned a name to me, and I didn't understand -- maybe
24 I didn't understand her correctly. Is Amalia Enriquez
25 your daughter?

1 A. Yes.

2 Q. Okay. And is she the one that is
3 schizophrenic?

4 A. Yes.

5 Q. Okay. Well, Mr. Villa, earlier this year --
6 and your wife had indicated that maybe you and she
7 received some of these election papers in a green
8 envelope?

9 A. I don't remember the colors, but we were given
10 some papers like that.

11 Q. Okay. Well, did they come in the mail, or did
12 someone bring them to you, if you remember?

13 A. I don't remember.

14 Q. Mr. Villa, is this your signature, sir?

15 A. Yes.

16 Q. And do you remember a Jose Medrano coming to
17 your home to help you with the papers?

18 A. Yes.

19 Q. And how did Mr. Medrano help you with the
20 election papers?

21 A. I don't remember.

22 Q. Well, your wife told us that he -- Jose
23 mentioned he had a relative who was running for office.

24 A. Yes, yes.

25 Q. And did Jose mention any of the other

1 candidates who were running for office?

2 A. No.

3 Q. So he only mentioned one candidate?

4 A. Yes.

5 Q. And did that -- had you heard of his relative
6 before -- before Jose mentioned his name?

7 A. No, I don't really go by politics.

8 Q. Uh-huh. I understand. The -- by mentioning
9 his relative's name, did that help you in deciding
10 who -- that you should vote for the relative?

11 A. Well, I don't know them.

12 Q. Well, I understand, but this young man, Jose,
13 just kind of -- he came into the house, he sat down, he
14 said, my relative's running for office and then, what
15 happened after that?

16 A. Well, we just wanted a Mexican to get in a good
17 position, something like that.

18 Q. Uh-huh. Were you aware that the other
19 candidate in that race is also a Mexican, Mr. Sepulveda?

20 A. Yeah -- no, I didn't know.

21 Q. Uh-huh. Jose didn't mention that?

22 A. No.

23 Q. Did Jose mention the names of Cortez or Garcia?

24 A. No.

25 Q. Okay. Well, what did you do with the election

1 papers after you marked them?

2 A. Well, he brought them to you, no?

3 Q. I'm sorry?

4 THE INTERPRETER: He brought them to, no?

5 MR. WYDE: I don't understand.

6 THE INTERPRETER: He brought them to you,
7 no -- right?

8 Q. No one -- no, sir, nobody brought me any
9 papers. I'm trying to find out what happened with your
10 election papers.

11 A. Well, he just took them. The papers, he just
12 took them.

13 Q. How many envelopes did he take? Did he take
14 yours, your wife's, and your daughter's?

15 A. Yes.

16 Q. Okay. May I ask why you gave him the papers?

17 A. Well, because we can't come over here to vote,
18 we're very old, and it was convenient that he came to
19 us.

20 Q. Did you -- were you aware that the envelope
21 that he took them in had -- the postage had already been
22 paid for?

23 A. No.

24 Q. Okay. Thank you, sir.

25 MR. WYDE: I have no further questions.

1 MR. WOOD: I have no further questions.

2 THE COURT: Thank you. You may be finally
3 excused.

4 MR. WOOD: Who's next?

5 MS. WOERTENDYKE: Which one are you calling
6 next?

7 THE BAILIFF: Mr. Israel Martinez.

8 MS. WOERTENDYKE: Israel Martinez. And
9 Israel Martinez is on page 10, number 42.

10 MR. WOOD: Thank you.

11 MS. WOERTENDYKE: He was actually scheduled
12 here yesterday afternoon.

13 ISRAEL MARTINEZ,
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 afternoon, Mr. Martinez.

19 A. Good afternoon.

20 Q. Mr. Martinez, back in February of this year,
21 did you receive some election papers in a green envelope
22 like this one, sir?

23 A. No.

24 Q. Do you live at 4141 Lakehurst Court?

25 A. Yes.

1 Q. Okay. Well, do you recall someone coming by
2 and visiting with your wife about some papers that your
3 wife could sign for you?

4 A. Yes.

5 Q. Did that have to do with some election papers?

6 A. Well, my wife said that, yes, that that's what
7 they had told her, but I didn't see them.

8 Q. Okay. Did your wife tell you that they were in
9 a red truck?

10 A. No.

11 Q. And do you recall whether or not your wife
12 supposedly gave these people the election papers?

13 A. Well, she told me that she did.

14 Q. Okay. Is this your signature or your wife's
15 signature, Mr. Martinez?

16 A. My wife's.

17 Q. Okay. And is this your wife's signature also,
18 Mr. Martinez?

19 A. Yes.

20 Q. Is this your signature?

21 A. Yes.

22 Q. Did your wife also receive any election papers,
23 if you know? In other words, was there more than one
24 envelope or two envelopes?

25 A. Well, I just remember one, but the person that

1 went over there told my wife that she could also qualify
2 to vote.

3 Q. Okay. Is your wife -- was she born here in the
4 United States?

5 A. No.

6 Q. Is she a citizen? Has she obtained her
7 citizenship?

8 A. No, she has her passport.

9 Q. Okay. Are you a United States citizen?

10 A. Yes.

11 Q. Okay. So that I'm clear, Mr. Martinez, this is
12 your signature up here to the right?

13 A. That one on top.

14 Q. Okay. And these two here over to the left,
15 these are your wife's -- this is your wife's handwriting
16 signing your name?

17 A. Yes.

18 Q. Okay. Do you know if your wife actually filled
19 out the papers and did the voting for you or do you know
20 if she just turned those papers over to the person that
21 picked up the envelope?

22 A. She just signed.

23 Q. Okay. And what is your understanding of what
24 happened to the rest of the papers?

25 A. Well, that that wasn't legal.

1 Q. Okay. But where did the rest of the papers go,
2 if you know? What did your wife do with the papers?

3 A. The person that went by the house told her that
4 he himself would put it in the mail.

5 Q. So it's your understanding that your wife gave
6 him the election papers?

7 A. Yes.

8 Q. Thank you, Mr. Martinez.

9 (Contestant's Exhibit No. 97 marked.)

10 MR. WYDE: I have no further questions.

11 MR. WOOD: I have no objection to 97 except
12 the attached affidavit, I believe that the last answer
13 to the question, the affidavit is completely
14 inconsistent with what he says.

15 MR. WYDE: Well, it's offered for the
16 purposes of signatures --

17 MR. WOOD: Signatures?

18 MR. WYDE: -- but if that's not an issue,
19 then we will withdraw the affidavit.

20 MR. WOOD: I don't care. If it's for
21 signature, that's fine.

22 THE COURT: Pertinent to the purpose, that
23 is accepted, and the remaining two pages are admitted
24 for all purposes.

25 MR. WOOD: And I have no further questions.

1 THE COURT: Thank you. You may be finally
2 excused, Mr. Martinez.

3 THE BAILIFF: Bobbie Coleman.

4 MS. WOERTENDYKE: Bobbie Coleman is the
5 last one, Judge. Bobbie Coleman is on page 9, number
6 17.

7 BOBBIE COLEMAN,
8 having been first duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. WYDE:

11 Q. Hi, Ms. Coleman.

12 A. How are you doing?

13 MR. WYDE: May I?

14 THE COURT: Yes.

15 Q. (BY MR. WYDE) Would you state your name for
16 the record?

17 A. Bobbie Louise Coleman.

18 Q. And that's B-O-B-B-I-E, correct?

19 A. Yes.

20 Q. Ms. Coleman, we saved you for last because we
21 know you'll be the best, okay? We appreciate you being
22 here, Ms. Coleman. I'm sure it's been no fun sitting
23 out there in the hallway.

24 A. Not with arthritis, it ain't fun, no.

25 Q. Ms. Coleman, this past February, you know,

1 applications to vote by mail, absentee --

2 A. Yes, sir, I know.

3 Q. -- people start -- they start coming in the
4 mail and people start sending them in. Is that your
5 signature, Ms. Coleman, on -- down there on the lower
6 right so you can vote by mail?

7 A. Yes.

8 Q. Okay. And do you remember getting a green
9 envelope in the mail?

10 A. Yes, I did.

11 Q. Okay. Ms. Coleman, did a Mark Baker come by
12 and visit with you about the election papers, if you
13 recall?

14 A. Mark Baker, about 5'7", kind of -- black guy?

15 Q. It's my understanding he's African-American,
16 but I've never met him.

17 A. I mean, excuse the expression, but I understand
18 what you're saying. Yeah, the one I talked to was --
19 that comes to talk to me, he was about -- he was I'll
20 say my color and he was about 5'7", he had hair right
21 here and he was bald right here on top (pointing).

22 Q. Any facial hair?

23 A. And he had a mustache.

24 Q. I'm just asking you. I don't know.

25 A. No, he was -- yeah, he had a mustache right

1 here (pointing).

2 Q. Okay.

3 A. Because I see him all the time.

4 Q. Okay. Do you know his name to be Mark Baker or
5 are you just kind of --

6 A. I never actually paid attention to his name.

7 Q. Okay. I don't want to put any words in your
8 mouth.

9 A. No, I never -- no. He told me, I probably done
10 forgot because I don't have a good memory, but I
11 remember -- people's faces is a good thing I remember.

12 Q. Okay. When the -- I take it this person came
13 by and wanted to visit with you about either who you --
14 who to vote for or if they could be of service?

15 A. Yeah, because he knows my father.

16 Q. Okay. And were you there at the house when the
17 man came by?

18 A. Yes, I was.

19 Q. Okay. Can you tell us a little bit about what
20 happened after he shows up?

21 A. Okay. He came to -- he was talking -- he came
22 through -- I was in the bathroom -- I was using the
23 bathroom and he came and he was talking to my father
24 because my father used to be a quartet singer and he
25 remembered my father at a bunch of churches, and he said

1 that you -- did you get your voting in the mail, and I
2 said, yes, I did. Have you decided what you're going --
3 who you're going to vote for? And I said, yes, I
4 already did.

5 Q. Now, is he asking your father this or yourself?

6 A. Just to me.

7 Q. Okay.

8 A. He asked me did I know what I voted and have I
9 filled -- I said, yeah, but I was going to mail it off
10 the next day because I already had it done.

11 Q. And did you mail it, or did you give it to him
12 to mail?

13 A. I gave it to him.

14 Q. Okay. When you gave it to him, were the -- was
15 the envelope --

16 A. Sealed.

17 Q. Okay. All right.

18 MR. WYDE: That's all the questions we
19 have.

20 MR. WOOD: I have no questions, Your Honor.
21 Thank you so much.

22 THE COURT: Thank you. You're finally
23 excused. Thank you for being here.

24 THE WITNESS: Thank you.

25 MR. WOOD: Have a good weekend, Ms.

1 Coleman.

2 THE WITNESS: Now I have to go take them
3 pills because my legs hurt.

4 MS. WOERTENDYKE: I can relate. I do
5 understand.

6 MR. RICH: Feel better.

7 THE WITNESS: All right. Y'all have a nice
8 day, sirs, ma'am --

9 MR. RICH: Thank you.

10 THE BAILIFF: You also.

11 THE WITNESS: -- Judge.

12 THE COURT: Thank you. Have a good one.

13 All right. By my count, that's 97 voters
14 we've gone through.

15 MR. RICH: That's correct, sir.

16 MR. WOOD: That's correct.

17 MR. RICH: Sir, can we just do our talk
18 schedule before we leave? At this point, are we
19 starting at 9:00 o'clock Monday morning?

20 THE COURT: Yes.

21 MR. RICH: And at this point, how many are
22 left on the Wednesday schedule, or has everyone been
23 pushed into Monday and Tuesday?

24 MS. WOERTENDYKE: We have -- we didn't
25 schedule anybody for Wednesday. Everything -- everyone

1 should be for Monday and Tuesday, unless there's
2 something I don't know about.

3 MR. RICH: All right.

4 THE COURT: What we'll do --

5 MS. WOERTENDYKE: It should be a little
6 less than 80.

7 THE COURT: What -- we're hoping to be
8 through Monday and Tuesday.

9 MR. RICH: All right.

10 THE COURT: Be through Tuesday. If for
11 some reason we're not able to, then we'll probably
12 finish up testimony Thursday, and then we'll do argument
13 Friday morning.

14 MR. RICH: All right.

15 THE COURT: And --

16 MR. RICH: If counsel finishes Tuesday and
17 if we have any witnesses that we wish to put on, if it's
18 less than a half day, do you want those Thursday morning
19 or afternoon? I would ask for consideration since Mr.
20 Wood is on belated celebration of his birthday with his
21 family. Perhaps if we're going to argue Friday
22 morning -- you come back when?

23 MR. WOOD: I come back Wednesday afternoon.

24 MR. RICH: So perhaps Thursday afternoon,
25 if it's just --

1 THE COURT: I will know -- I'm going to be
2 selfish. I have to go have blood drawn every so often,
3 and Thursday is going to be my day to go.

4 MR. RICH: Okay.

5 THE COURT: So I don't know what my
6 appointment is, whether it's that morning or that
7 afternoon.

8 MR. RICH: All right.

9 THE COURT: So --

10 MR. WOOD: That will make that decision.

11 MR. RICH: All right. Should we stay in
12 touch with the 14th's coordinator, or should we stay in
13 touch with you?

14 THE COURT: Well, I think probably with me
15 would be better, and we'll know -- I'll know Monday or
16 Tuesday.

17 MR. RICH: Fine, sir.

18 MR. WYDE: I do have a couple of short
19 extra witnesses on probably Thursday, non -- well,
20 they're voters, but they're not within the assisting
21 category.

22 THE COURT: Okay.

23 MR. WYDE: But they'll be -- anybody after
24 this, they're going to be short witnesses, you know. So
25 that Thursday morning or Thursday afternoon, whatever

1 the Court wants.

2 THE COURT: Okay. I'll probably -- I'll
3 know for sure by Tuesday and let y'all know what --

4 MR. RICH: Fine, sir.

5 THE COURT: -- which way I'm running, but
6 that'll be fine. Thank you for your assistance, folks.
7 Moving along.

8 (Proceedings recessed at 4:24 p.m.)

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REPORTER'S CERTIFICATE

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

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

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

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

19 WITNESS MY OFFICIAL HAND this the 1st day of
20 September, 2010.

21 *Larissa L. McPhearson*

22 Larissa L. McPhearson, Texas CSR 8371
23 Expiration Date: 12/31/10
24 Collins Realtime Reporting, CRF 59
25 c/o Court Reporters Consolidated, CRF 308
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