

1 A. Yes.

2 Q. It's okay to breathe.

3 A. Yes.

4 Q. Yes, ma'am. Ms. Leal, may I ask you, is this
5 your signature, if you can tell?

6 A. Yes, it is.

7 Q. Okay. And may I ask you if this is your
8 signature?

9 A. Yes, it is.

10 Q. Do you recall voting or receiving earlier,
11 maybe around February, one of these green envelopes --
12 one of these green envelopes in the mail?

13 A. I did receive one.

14 Q. Okay. Have you ever voted by mail or absentee
15 in the past?

16 A. No.

17 Q. Was this the first year, maybe?

18 A. I believe so.

19 Q. Yes, ma'am. And when one of these green
20 envelopes comes in the mail, it usually contains, you
21 know, a list of the people running for the different
22 offices --

23 A. Yes.

24 Q. -- what's referred to as a ballot, and also a
25 brown envelope like one of these. Does this look

1 familiar?

2 A. I believe so, yes.

3 Q. Okay. Did anyone contact you, Ms. Leal, about
4 coming by and offering help in deciding or who you
5 should vote for?

6 A. No, sir.

7 Q. Anything like that?

8 A. No.

9 Q. Okay. Did your daughter help you in making any
10 choices or not?

11 A. No.

12 Q. Okay. I have a statement here from this lady.
13 Do you recognize this lady, Ms. Leal (pointing)?

14 A. I believe I saw her. She might have come over
15 to the house.

16 Q. Yes, ma'am. And the reason why I asked that is
17 because I was under the impression that maybe you had
18 indicated that -- you had told this lady here back in
19 April that your daughter helped you in voting, and if
20 that's not accurate --

21 A. Well, she read some of the, you know,
22 questions.

23 Q. Oh, okay.

24 A. And -- because I'm not a very good reader, but
25 she helped me with the questions on it.

1 Q. Yes, ma'am.

2 A. And I told her which one to check off.

3 Q. Yes, ma'am. Okay. Did your daughter mail the
4 envelope, or did somebody else do that for you?

5 A. I think we mailed it, yes.

6 Q. We, meaning?

7 A. Me.

8 Q. You mailed it?

9 A. Yes.

10 Q. Okay. Okay.

11 MR. WYDE: That's all the questions we
12 have.

13 MR. RICH: No questions, Your Honor.

14 THE COURT: Thank you very much. You're
15 finally excused.

16 MR. RICH: Thank you very much, senora.

17 THE BAILIFF: Next up is Jose Perez.

18 MS. WOERTENDYKE: Jose Perez is page 11,
19 number 19.

20 JOSE PEREZ,

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

23 DIRECT EXAMINATION

24 BY MR. WYDE:

25 Q. Good afternoon, Mr. Perez.

1 A. (In English) Good afternoon.

2 Q. May I ask you, sir, if this is your signature
3 here on this line here on this piece of paper?

4 A. Yes, that is mine.

5 Q. Okay. And is this your signature also,
6 Mr. Perez?

7 A. Yes, that is mine also.

8 Q. Okay. Mr. Perez, earlier this year, you may
9 have received some papers in a green envelope, one that
10 looks like this one right here.

11 A. I don't remember.

12 Q. Okay. Earlier in maybe February when some of
13 the elections started to occur, did someone come by and
14 offer to help you in voting or making the different
15 selections for the people running?

16 A. Well, I don't remember, because sometimes, I'm
17 not at my house and my wife is there.

18 Q. Uh-huh. Well, sir, do you remember a young man
19 coming by your home? His name was Carlos Medrano?

20 A. Seems so.

21 Q. Uh-huh. Do you recognize the young lady right
22 here in the maroon shirt? Do you remember her coming by
23 your home on April 5th?

24 A. No, no, it's just that we are -- they're
25 working, and we don't really pay a lot of attention to

1 the people that go by. We've been there for many years.

2 Q. Who is working?

3 A. Right now, my wife is the one that works. Now
4 I'm retired.

5 Q. Is this your signature on this document,
6 Mr. Perez?

7 A. Yes, this one's mine.

8 Q. Are you --

9 A. All it's missing is the M, because you know,
10 when you're doing it and in a hurry.

11 Q. Do you -- you sure you don't recall, Mr. Perez,
12 this lady coming by your home back on April, the house
13 over at 5327 Richard? Is that where you live?

14 A. Yes, that is where I live. Yes, that is it.
15 The only thing is that they changed the number to 5327.
16 I don't remember, 27 or 26, but my wife will be here
17 soon and she's got a better memory than I do.

18 Q. When this lady came by, Ms. Woertendyke, when
19 she came by your home back in early April, she had an
20 interpreter with her. Does that refresh your memory?

21 A. No, I -- it's just that my mind is not really
22 sure. I don't remember very well.

23 Q. Did -- do you remember actually voting and
24 mailing or having someone mail your ballot for you?

25 A. Yes, that's the way they send us all the

1 ticket, or I don't know, the -- that's the way they send
2 it to us.

3 Q. And can you tell me, sir, did anyone come by
4 your home and offer to help you in marking your ballot?

5 A. No, never.

6 Q. Never?

7 A. Well, all the time one signs it, all perfect,
8 but I signed it -- but one signs it.

9 Q. Mr. Perez, do you know or have you ever heard
10 of Carlos Medrano?

11 A. Yes, of course. I've known him since he moved
12 here to Dallas.

13 Q. Okay. How long has that been?

14 A. '63, I remember Medrano because he was also in
15 school.

16 Q. Can you pick out Carlos Medrano for me?

17 A. The way that it is right now, I don't think so,
18 because my sight is not very good.

19 Q. Could you look through the papers and see if
20 you recognize the person that you're telling me is
21 Carlos Medrano?

22 A. I'll try. (Looking through photos) I seem to
23 have seen this man. I've also seen her. No, it's just
24 that my eyesight really doesn't help. Sometimes the
25 faces -- no. This one, no.

1 Q. How about in this stack of pictures?

2 A. I think he's one of their brothers.

3 THE COURT: Counsel (pointing).

4 A. And I think I've also seen him.

5 Q. (BY MR. WYDE) I'm sorry, you're saying you
6 think you recognize this picture?

7 MR. RICH: That's not the one.

8 A. No, just it seems though because I see him on
9 television at times.

10 Q. Sir --

11 MR. WYDE: May I have a second?

12 THE COURT: You may.

13 Q. (BY MR. WYDE) Mr. Perez, could I ask you to
14 write your name right here by the X?

15 A. (Signing)

16 Q. Is this the signature you just gave me,
17 Mr. Perez?

18 A. Yes.

19 Q. Okay. And you're saying that this is your
20 signature also, Mr. Perez?

21 A. No. Well, it doesn't look like it.

22 Q. And this is definitely your signature; is that
23 correct?

24 A. Yeah, that one is.

25 Q. Mr. Perez, after you made your choices on the

1 ballot, did -- what did you do with the papers?

2 A. We put them inside the bedroom so that we could
3 check them or see them. I don't know.

4 Q. You put them inside where?

5 A. I put them on top of the table there so my wife
6 could see them as well.

7 Q. And after your wife saw them, did someone come
8 by to pick them up?

9 A. Oh, no -- yes, yes, that person did come by to
10 pick them up.

11 Q. Well, at first, you said no, and now you're
12 saying yes?

13 A. I just made a mistake, that's all.

14 Q. We've established that this is your signature,
15 is that correct, Mr. Perez?

16 A. Yes.

17 Q. Okay. And isn't it true, Mr. Perez -- this is
18 the last time I'm going to ask you about this -- that
19 when this lady came by your home back in April, you told
20 her that Carlos Medrano picked up your election papers?

21 A. No.

22 Q. You think she just made that up?

23 A. I don't know if she made that up, but that's
24 what we do all the time. We put them away there. We
25 have everything.

1 Q. You put them away? Is that so somebody else
2 can come and get them for you?

3 A. Sometimes you're just outside working there and
4 you leave the papers there and you don't know if the
5 wind blew them away.

6 (Contestant's Exhibit No. 109 marked.)

7 MR. WYDE: I'm going to offer these papers
8 in just a moment.

9 Q. (BY MR. WYDE) But Mr. Perez, you want us to
10 believe that somehow, someway, the wind blew your papers
11 away?

12 MR. RICH: Objection, Your Honor,
13 argumentative.

14 MR. WYDE: This is what he just said.

15 MR. RICH: It's your witness.

16 MR. WYDE: It doesn't matter. I -- I'll
17 seek permission to treat this witness as hostile at this
18 point in time, considering he's made two contrary
19 statements under oath, one here in court and one in
20 front of a notary.

21 THE COURT: Request denied at this time.

22 Q. (BY MR. WYDE) Mr. Perez, do you think somehow,
23 some way you're going to be in trouble if you tell us
24 that Carlos Medrano came by and took your election
25 papers?

1 A. I don't believe so, because I don't like
2 problems.

3 Q. Sir, I understand, but you're not answering my
4 question. Do you think that you're going to be in some
5 kind of trouble if you tell us that Carlos Medrano came
6 by and took your papers?

7 A. I have never gotten into any trouble. That's
8 what I have.

9 Q. I didn't ask you if you're in trouble. I asked
10 you, is there any reason why you told this lady next to
11 me on April 5th when she had an interpreter why Carlos
12 Medrano picked up your papers, and today, when you're
13 here in court, you're saying that didn't happen? Which
14 one is the truth, sir?

15 A. I just remembered, when she came by, and I
16 didn't understand very clearly in English, but I do
17 remember that what I said was that at times, they do
18 come to pick them up, but I was working.

19 Q. You know this lady's going to testify later on
20 that she had a Spanish interpreter with her --

21 MR. RICH: Your Honor --

22 Q. -- when she came to your home?

23 THE COURT: Just a moment.

24 MR. RICH: For the record, all right, we
25 object. Enough beating up on the witness. The witness

1 has answered, counsel's had an opportunity to cross and
2 impeach. The record explains and stands by itself. I
3 believe this is enough with this gentleman. I do not
4 know Mr. Perez, but clearly, his presentation here today
5 should be at least considered as well as what he's
6 testifying about.

7 THE COURT: Thank you.

8 MR. RICH: Enough badgering.

9 THE COURT: I'm going to allow the last
10 question to be asked.

11 Q. (BY MR. WYDE) Do you understand, sir, that the
12 lady to my left, when she came to your home, she's going
13 to stand up and tell this Judge that she had a
14 Spanish-speaking interpreter with her and that the
15 questions you were asked and that you answered when you
16 told her Carlos Medrano came to your house, you were
17 asked that in Spanish, you know that?

18 A. Well, I don't know why they want me to say all
19 that. I -- she came by, I didn't understand, and I was
20 just answering ignorantly.

21 Q. Are you saying now that you did answer the
22 questions that were asked?

23 A. I was not asked any question. I did see her go
24 by and she was talking and I didn't understand.

25 Q. You understand that this lady to my left does

1 not speak Spanish?

2 A. Well, that's why I thought she wasn't going to
3 be able to understand what I said.

4 Q. But there was somebody else with her, wasn't
5 there, and the person that was with her spoke Spanish?

6 A. I don't -- I was over there working, and I was
7 just --

8 Q. Sir, are you afraid of telling the truth today?

9 A. No, no, I am not afraid. I have never been in
10 any trouble before.

11 THE COURT: Okay. Let's move along then.

12 Q. (BY MR. WYDE) Have you discussed the subpoena
13 that you received with anybody else, sir?

14 A. No, just my wife. She's the one that has one
15 of these.

16 Q. And what did you and your wife say to each
17 other about coming to court today?

18 MR. RICH: Objection, Your Honor.

19 Violates --

20 THE COURT: Just a moment.

21 MR. RICH: Violates the relationship of
22 husband and wife. I have no idea what was said, but I'm
23 going to make sure that his rights are protected.

24 THE COURT: I think the objection is good
25 at this point.