

1 to vote?

2 Q. Well, the reason why your vote is doubted at  
3 this point, at least from my perspective, Ms. Perez, is  
4 because you signed that document in your left hand, and  
5 you told this lady that Carlos Medrano came to your  
6 house and that Carlos Medrano took your election papers.  
7 Now, I don't think that means you did anything wrong.  
8 Do you understand that?

9 A. Well, when somebody came by my house, and I  
10 don't know who, I -- okay, I don't know, but somebody  
11 said that -- when I wasn't home, somebody had come by  
12 and they had left me a business card from some attorney  
13 for me to call, but I didn't call.

14 Q. Ma'am, I didn't ask you about a business card  
15 from any attorney. I asked you specifically, okay, did  
16 you not tell this lady -- you told this lady that Carlos  
17 Medrano came by your home and you gave your papers to  
18 Carlos Medrano, and that's what's written on that piece  
19 of paper in your left hand, and you know that, don't  
20 you? Yes or no?

21 A. I don't remember.

22 Q. Well, you remember voting for Paulina Medrano,  
23 yes or no?

24 A. Yes.

25 Q. And you want to vote for Carlos Medrano,

1 correct?

2 A. Well, I voted for Carlos Medrano.

3 Q. Absolutely. And there's nothing wrong with  
4 that. But you know -- you know he came and he picked up  
5 your ballot, isn't that true, and that's why you told  
6 that to this woman, correct? Ma'am, you're under oath.

7 THE COURT: Just a moment. Now, we have a  
8 question now I want answered before we go on.

9 A. Yes, I'm under oath, but I don't remember.

10 Q. (BY MR. WYDE) You don't remember? Back in  
11 April, it was closer to February when Mr. Medrano came  
12 by, correct?

13 A. Oh, my God, I just don't even want to remember  
14 because I don't remember.

15 Q. You do remember this lady coming by, correct?  
16 You remember?

17 A. Yes, I do remember that she came by and that  
18 she gave me this paper. The only time that I remember  
19 her is when she gave me this paper.

20 Q. No, ma'am, she came by on April 5th.

21 MR. RICH: Can we identify which paper Ms.  
22 Perez --

23 MR. WYDE: She's referring to a subpoena  
24 issue on June -- she's referring to a subpoena  
25 discussing June 26th.

1 MR. RICH: Thank you.

2 Q. (BY MR. WYDE) Now, ma'am, you remember what  
3 happened on June 26th; is that correct? Si or no?

4 A. Maybe that's when I was given that paper.

5 Q. Yes, it was. But she also came by your home on  
6 April 5th, and she spoke to you and your husband, didn't  
7 she?

8 A. Oh, well, if it's signed, it has to be that. I  
9 don't remember.

10 Q. Uh-huh. And your husband signed the same piece  
11 of paper that you signed and you told her -- is this  
12 your husband's signature?

13 A. Yes.

14 Q. And what is the date of that document, ma'am?

15 A. April 5th.

16 Q. And what is the date of the document in your  
17 hand, ma'am?

18 A. April 5th.

19 Q. Uh-huh. And when that lady came by, and this  
20 is your signature -- your husband's signature on this  
21 document; is that correct?

22 A. Yes.

23 Q. And your signature on the document in your  
24 hand; is that correct?

25 A. I just have to ask the -- to excuse myself

1 because I don't remember what happened.

2 Q. You remember having a conversation with this  
3 lady on April 5th, don't you?

4 A. Well, I have to say yes because of -- my  
5 signature is on there, that means I was there.

6 Q. Ma'am, it's not because your signature's on  
7 there, it's because that's the truth, and you know  
8 that's the truth.

9 MR. WYDE: I object --

10 MR. RICH: Object --

11 MR. WYDE: I object. It's  
12 cross-examination. I'm afforded wide latitude. I've  
13 not been --

14 MR. RICH: I'm not raising the issue of  
15 cross-examination, all right? What I'm saying is it's  
16 improper impeachment. That's my objection.

17 THE COURT: Now, I think we've gone about  
18 as far as I need to go on this. You've got a way of  
19 impeaching, and we'll ask that -- we'll follow the  
20 proper procedures on that.

21 MR. WYDE: Well, Judge, if she denies what  
22 the content of the affidavit was after she's authorized  
23 a signature, I'm --

24 THE COURT: I think what she has stated  
25 right now is that she has stated she had no memory, and

1 I think she's left it at that. And that can be -- and  
2 that's inconsistent with her previous statement, and I  
3 think you may very well be able to impeach her, but  
4 we'll do it the proper way.

5 MR. WYDE: Well, the document is a document  
6 under seal by a notary, and the --

7 THE COURT: Well, as soon as we get to the  
8 sponsoring witness, we can look at that.

9 MR. WYDE: We'll do that, Judge. May I ask  
10 one last question?

11 THE COURT: Yes.

12 MR. WYDE: Do you want this attached to it  
13 since she referred to it, Mr. Rich?

14 MR. RICH: That's fine.

15 (Contestant's Exhibit No. 110 marked.)

16 Q. (BY MR. WYDE) Ms. Perez --

17 A. Yes.

18 Q. -- did Carlos Medrano pick up your ballot?

19 MR. RICH: Objection, asked and answered.

20 THE COURT: Overruled.

21 A. What is --

22 THE INTERPRETER: I'm sorry, the  
23 interpreter didn't hear what the Judge -- overruled?

24 THE COURT: I overruled.

25 A. What is a ballot? What is it that you're

1 trying to say to me?

2 Q. (BY MR. WYDE) The papers, ma'am, the election  
3 papers. After you and your husband voted, didn't you  
4 give those -- did both you and your husband give those  
5 papers to Mr. Medrano?

6 A. No, no. When he gave us the paper, we put the  
7 papers -- we put it on there, and we ourselves put them  
8 in the mail.

9 Q. You were told to say that today, weren't -- did  
10 you not?

11 A. Who?

12 Q. No, no, ma'am, I didn't ask you who. I asked,  
13 you were told to say that today, weren't you?

14 A. Who?

15 MR. WYDE: You can't coach the witness.

16 MR. RICH: I'm not coaching the witness. I  
17 don't know the witness.

18 MR. WYDE: It doesn't matter. She can look  
19 at you and figure out what she wants you to say.

20 MR. RICH: No, I'm responding --

21 MR. WYDE: Well, you're welcome to do that,  
22 Mr. Rich, but not in the manner --

23 MR. RICH: All right. Address the Court.

24 MR. WYDE: Not in a manner -- he's not --  
25 well, he's not able to shake his head and make noises

1 and give his opinion about the questions. That's a  
2 comment on the question of --

3 THE COURT: The Court was looking down, and  
4 I did not see what took place, but I will instruct that  
5 there not be any indication that could be interpreted by  
6 the witness.

7 MR. RICH: That's fine, sir.

8 A. I just don't understand what is going on with  
9 this.

10 MR. WYDE: Judge --

11 A. If I'm asked so many questions --

12 MR. WYDE: Excuse me.

13 THE COURT: Sustained. I assume that was  
14 an objection to sidebar?

15 MR. WYDE: Yes.

16 Q. (BY MR. WYDE) Ma'am, I -- you were told when  
17 you come to court today that you were to testify that  
18 you did not give these papers to anybody else and that  
19 you or your husband put them in the mail; isn't that the  
20 truth?

21 A. Well -- but then who told me that?

22 Q. Ma'am, I didn't ask you who. I just asked if  
23 you were told that. Please answer the question.

24 A. I don't understand what they want me to say. I  
25 have been saying that -- about the papers, I -- if

1 they're asking me who, I don't know who they're talking  
2 about, I don't know what it is that he wants me to say.

3 THE COURT: Ms. Perez --

4 THE WITNESS: Yes.

5 THE COURT: Ms. Perez, I need one straight  
6 answer. Did anyone suggest to you or ask you or tell  
7 you that when you came to court today you were to  
8 testify that you personally put the envelopes in the  
9 mail after voting?

10 THE WITNESS: No.

11 THE COURT: Thank you.

12 Q. (BY MR. WYDE) Do you have the card --

13 MR. WYDE: This is my last question.

14 Q. (BY MR. WYDE) Do you have the card of the  
15 person that was left on your door?

16 A. No. I didn't -- really didn't give it much  
17 importance. I threw it out.

18 Q. And do you remember the name of the attorney?

19 A. No.

20 MR. WYDE: We'll offer 109 and 110, if they  
21 have not been admitted.

22 MR. RICH: Your Honor, 109 has been  
23 admitted except for the affidavit. Again, we would  
24 object -- we have no objection to 110 except for the  
25 affidavit which is attached other -- no objection as to

1 the signature, but as to the substance, we object.

2 THE COURT: The objection will be sustained  
3 at this time, and the remainder of Exhibit 110 will be  
4 admitted. Thank you. You may be excused.

5 MR. RICH: Your Honor, I have some  
6 questions.

7 THE COURT: Oh, I'm sorry. Excuse me.

8 MR. RICH: Thank you, sir.

9 CROSS-EXAMINATION

10 BY MR. RICH:

11 Q. Ms. Perez, first I want to say, thank you very  
12 much for voting. It's a right here in the United  
13 States. Just a few questions.

14 Who called you this morning and told you  
15 that if you didn't show up that the constable would come  
16 out?

17 A. My son answered and said that it was the same  
18 person -- it was the person that signed down below.

19 Q. Okay. And when you say, the same person that  
20 signed down below, is that on the subpoena which was the  
21 paper telling you to be here, or was it another paper?

22 A. No, the same one.

23 Q. All right. May I see it, please?

24 A. I already gave one.

25 Q. Okay. May I just see this one? Just so that

1 you understand, the gentleman who signed the bottom of  
2 the subpoena is this able counsel here, the gentleman  
3 that was just asking you questions.

4 Did your son tell you that it was a man or  
5 a woman?

6 A. I answered, and when I answered, it was a  
7 woman, and since I didn't understand, I gave the phone  
8 to my son and he spoke to her, but then she hung up on  
9 him, so she called back there, and then it was a man.

10 Q. Okay. The person that actually served you the  
11 paper telling you to be in court, is that person here in  
12 court today?

13 A. I don't know.

14 Q. Would you look in -- look in front of you. Do  
15 you see the -- were you home when the person brought the  
16 paper telling you to be in court?

17 A. When I received this paper?

18 Q. Si.

19 A. Yes, she gave it to me with \$11 right here.

20 Q. And when you say she, are you talking about the  
21 woman --

22 A. (In English) The lady, uh-huh.

23 Q. -- in the maroon top?

24 A. Yes.

25 Q. When that individual, that woman, gave you what

1 is a subpoena, did she show you any identification?

2 A. No.

3 Q. Did she show you any type of police badge?

4 A. No, I don't remember. It seems like -- well,  
5 no, I don't remember.

6 Q. Okay. There is a document that you said has  
7 your signature.

8 MR. RICH: May I approach, Your Honor?

9 THE COURT: You may.

10 MR. RICH: Thank you, sir.

11 Q. (BY MR. RICH) Senora Perez, you have said this  
12 is your signature, correct?

13 A. Yes.

14 Q. And when counsel put this up on the board, you  
15 were able to say that this was (speaking in Spanish),  
16 no?

17 A. Yes.

18 Q. Before you signed your name, did you read this  
19 piece of paper?

20 A. No, because I don't read English.

21 Q. Do you remember someone specifically  
22 translating everything that was on this page before you  
23 signed it?

24 A. No.

25 Q. Do you have any recollection -- do you remember

1 at all whether or not the person that had you sign your  
2 name on this piece of paper, whether or not they gave  
3 you a lot of different names like Medrano, like  
4 Castilla, like any other person or candidate or official  
5 here in Dallas County?

6 A. No.

7 Q. Okay. And the question that -- the last  
8 question that I have is, you -- we are in court, this is  
9 a special place not only for the attorneys or the Judge,  
10 but for you and everyone else here. We have a  
11 difference of opinion today, but we will fight to make  
12 sure this building stays open because it's a place to  
13 protect not only you and your husband, but everyone  
14 else. That is why when we come to this temple -- it's  
15 not a church, but it's a temple of justice, and we have  
16 to only speak the truth. Have you and I ever met before  
17 today --

18 A. No.

19 Q. -- before your appearance in this courtroom?

20 A. No.

21 Q. Have you and I ever spoken before you came to  
22 this courtroom today?

23 A. No.

24 Q. Did you and your husband cast your ballots by  
25 yourself?

1 A. Yes.

2 Q. Did you mail your ballot and your husband's  
3 ballot?

4 A. Yes.

5 Q. Have you understood everything that is being  
6 translated by this interpreter?

7 A. Yes.

8 Q. And do you understand that this is your  
9 courthouse?

10 A. What do you mean? What is that?

11 Q. You and every other person living in Dallas  
12 County, this is your building.

13 A. Okay.

14 Q. This building, this Court is here to protect  
15 you. It's very important that you understand that.

16 A. Okay.

17 Q. Are you asking this Court to honor your vote?

18 A. Yes.

19 Q. Okay. Thank you very much.

20 THE COURT: Anything further?

21 MR. WYDE: No.

22 THE COURT: Thank you. You may be excused.  
23 We're going to take a short break. We're going to take  
24 about a five- to seven-minute break.

25 (Recess taken from 2:44 p.m. to 2:59 p.m.)

1 THE COURT: Who's our next one?

2 THE BAILIFF: Mr. Pescador.

3 MS. WOERTENDYKE: He's number 12 on your  
4 list, sir.

5 THE COURT: Okay.

6 MS. WOERTENDYKE: He's on page 11, number  
7 21.

8 He's on the phone, Judge. He said if  
9 you'll give him just a moment. (Talking about Mr. Wyde)

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

13 DIRECT EXAMINATION

14 BY MR. WYDE:

15 Q. Mr. Pescador?

16 A. Yes.

17 Q. Mr. Pescador, thank you for coming to court  
18 today.

19 MR. WYDE: (To Interpreter) Go ahead.

20 Q. No one is suggesting that you've done anything  
21 wrong or improper. We just wanted to ask you some  
22 questions surrounding whether or not you voted in the  
23 last election.

24 Have you ever voted by mail, Mr. Pescador?

25 A. No.

1 Q. Okay. Is this your signature, Mr. Pescador?

2 A. Yes.

3 Q. Okay. Do you recall filling out a form asking  
4 for a ballot to be sent to you?

5 A. No.

6 Q. Okay. Do you see this down here in the lower  
7 right-hand corner, Mr. Pescador?

8 A. Yes.

9 Q. Do you remember signing a piece of postcard  
10 like this one and sending it to the elections people?

11 A. Just one time.

12 Q. Was that this past February?

13 A. No. No, it was before then, a lot before then.

14 Q. Like last year?

15 A. Yes.

16 Q. Okay. Mr. Pescador, is this your signature up  
17 here?

18 A. Yes.

19 Q. Okay. If I told you, Mr. Pescador, that that  
20 is a copy of the back of one of these brown envelopes,  
21 would you know how your signature got on the back of one  
22 of those?

23 A. There was a man that came by the house to see  
24 if the ballots had already gotten there. And so he  
25 would pick them up there, we would fill them out, he'd

1 say, just sign it, and then he would take them.

2 Q. When he said, just sign it, he meant just sign  
3 the envelope, correct?

4 A. Yes, the envelope.

5 Q. And then you would give him all of the papers,  
6 including the one that had the names of the people  
7 running for office?

8 A. Yes, he took it.

9 Q. Okay. And is that what happened this past  
10 February with these papers that I just showed you?

11 A. In this month, I don't remember having sent  
12 anything.

13 Q. Right. Right. But you see this piece of paper  
14 that has your signature on it, is -- has a stamp that  
15 says February 19th, dos mil diez. So that's why I was  
16 trying -- suggesting to you -- that's why I was  
17 suggesting that you actually -- somebody got your  
18 signature back in February. Do you understand?

19 A. Yes, of course.

20 Q. So does that make common sense to you that  
21 somebody came by, they got your signature, they took the  
22 papers, and then all this got sent in sometime in  
23 February?

24 A. Yes, I don't remember very well. It's just  
25 that he would go by to pick up the paper. I would sign

1 it and he would take it, but --

2 Q. Did --

3 A. That's it.

4 Q. Did the person -- did the young man or the  
5 gentleman ever give you his name?

6 A. It was possibly Mr. Medrano.

7 Q. Okay. Would you recognize -- was it --

8 A. Maybe it was his son -- a son of his or  
9 something. He was in a small car.

10 Q. Do you see his -- the picture of the person  
11 that came by in this stack of pictures?

12 A. (Looking through photos) It could be possibly  
13 that it was this person.

14 Q. The picture that has a sticker marked 54?

15 A. I don't remember.

16 Q. Well, I know, but you're -- I'm not saying that  
17 this is the person or this isn't the person, I was just  
18 saying you were showing me the picture that has the  
19 sticker with 54?

20 A. Oh, yes, that's him.

21 Q. Okay. Well, I'm not trying to put any words in  
22 your mouth, and I don't want you to tell us if you're  
23 not absolutely sure, but we're talking about the  
24 picture -- I'm talking about the picture that has the 54  
25 sticker.

1 A. Yes.

2 Q. Okay. Now, do you see the picture of anybody  
3 else that you recognize as having come by to talk to you  
4 about voting?

5 A. No.

6 Q. Could you look through this stack?

7 MR. WYDE: (Showing Mr. Rich Exhibit 54)

8 MR. RICH: You've already shown it to me.

9 (Contestant's Exhibit No. 111 marked.)

10 A. Isn't this one the same picture as the other  
11 one?

12 Q. (BY MR. WYDE) I don't know. You tell us.

13 A. No, this one has not gone there to the house.

14 Q. Okay.

15 MR. WYDE: No further questions. We'll  
16 offer Contestant's 111 to Mr. Rich.

17 MR. RICH: No objection to 111, Your Honor.

18 THE COURT: Admitted. Any questions?

19 MR. RICH: Yes, I have a few, sir.

20 CROSS-EXAMINATION

21 BY MR. RICH:

22 Q. Senor Pescador, I just have a few questions.  
23 Con mucho respeto -- with much respect, can you tell us  
24 how old of a gentleman you are, please?

25 A. 68.

1 Q. Okay.

2 A. 78.

3 THE INTERPRETER: The interpreter stands  
4 corrected.

5 Q. (BY MR. RICH) Okay. Senor Pescador, back in  
6 April, do you remember someone coming to your home and  
7 asking you some questions about this election?

8 A. No.

9 Q. Okay. Senor, is this your signature?

10 A. Yes.

11 Q. Do you remember ever signing this piece of  
12 paper?

13 A. I don't remember, but that is my signature on  
14 it.

15 Q. Do you remember anyone coming to your home  
16 asking you to sign this paper and asking you questions  
17 about this election?

18 A. No.

19 Q. Okay. Have you ever told anyone at your home  
20 that you had not requested a mail-in ballot?

21 A. I don't remember anybody having asked me for  
22 one of those ballots.

23 Q. Okay. Earlier, counsel showed you some pieces  
24 of paper, and you identified both pieces of paper having  
25 your signatures. That --

1 A. Yes.

2 Q. And that is Exhibit 111. One was signed by you  
3 asking the county to send you a ballot. The other one  
4 is your signature on the envelope that you sent the  
5 ballot back in. Do you remember, either way, whether or  
6 not you voted in the election or not? Do you remember?

7 A. I only sent one of these that came, and it's  
8 only one time that I've sent it, and all the other  
9 times, I've gone to vote there at the office that they  
10 set up there across the street from the gas station.

11 Q. Okay. When you sent the papers this time,  
12 earlier this year, do you remember -- either way, did  
13 you vote in the election?

14 A. I -- my memory fails me a little bit. I don't  
15 remember.

16 Q. Okay.

17 MR. RICH: No further questions.

18 MR. WYDE: No other questions.

19 THE COURT: Thank you. You may step down.  
20 You're finally excused.

21 THE WITNESS: I hope that I have been of  
22 service with all these questions.

23 MR. RICH: Yes, sir, you have been, and  
24 thank you very much for participating in the election  
25 process. It's very important that people of your age

1 share your wisdom with the younger people.

2 THE WITNESS: Well, thank you.

3 THE BAILIFF: Who do you have next?

4 MS. WOERTENDYKE: Humberto Ramos. Humberto  
5 Ramos, he's number 13 on our list. He is on page 11, he  
6 is number 28.

7 THE INTERPRETER: Mr. Ramos would like to  
8 testify in English, but he just wants me close by just  
9 in case he gets into a problem.

10 MR. WYDE: I'd like for her to stay close  
11 by me, too, Mr. Ramos.

12 HUMBERTO RAMOS,  
13 having been first duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. WYDE:

16 Q. Good afternoon, sir.

17 A. Good afternoon.

18 Q. Thank you for being here today.

19 A. Thank you.

20 Q. No one's here to suggest or accuse you of doing  
21 anything wrong or improper, okay?

22 A. Okay.

23 Q. Obviously, getting a subpoena can make people  
24 nervous, and the first thing they think is, why does  
25 some judge want to talk to me?