

1 signature.

2 A. Oh, okay.

3 Q. Right?

4 A. What I can see, yes.

5 Q. And this is paid for somehow, some way by  
6 Carter Temple Church; did you know that?

7 A. No, sir.

8 Q. Were you aware that Mr. Baker was going to have  
9 your envelope delivered to the elections department on  
10 elections day, or do you recall if you gave it to him  
11 sometime before the election day?

12 A. I think I gave it to him maybe a day before  
13 election day.

14 Q. Okay.

15 A. I'm not sure.

16 Q. The reason why I asked is do you see this  
17 section down here about the invoice date, March 2nd?

18 A. Yes, sir.

19 Q. Okay. And then the dispatch notation here is  
20 3:30, and it's supposed to be picked up at 3:30?

21 A. Uh-huh.

22 Q. Do you see that?

23 A. Yes, sir, where your finger is?

24 Q. Yes, sir.

25 A. Yes, sir, I see it.

1 Q. And then can you read the time of delivery?

2 A. 3:40 -- is that 7 or 8?

3 Q. Looks like an 8 to me --

4 A. Okay.

5 Q. -- but -- that's just --

6 A. Well, 48.

7 Q. That's just 18 minutes later, huh?

8 A. Uh-huh.

9 Q. That's pretty good delivery, don't you think?

10 A. Yes, pretty fast.

11 Q. Do you live anywhere near Stemmons Freeway?

12 A. Yes. That's 35, isn't it?

13 Q. Yes.

14 A. Okay. Yeah, I stay about a mile, about a mile  
15 from it.

16 Q. Okay. Do you know this Temple -- Carter Temple  
17 Church, do you know where that is?

18 A. No, sir, not right off.

19 Q. Does the street, Crossman, ring a bell?

20 A. No, sir.

21 Q. What -- let's see here, your ZIP code is 75212;  
22 is that right?

23 A. Yes, sir.

24 Q. And you live on Life?

25 A. Yes, sir.

1 Q. And the ZIP code that this was sent to is  
2 75207?

3 A. That's not my ZIP code.

4 Q. Right. That's the elections department.

5 A. Oh, okay.

6 Q. I was just trying to figure out this Crossman.

7 A. Okay. What I was fixing to tell you, too, that  
8 address that's on my ballot --

9 Q. Yes, sir.

10 A. -- that's my father's house. I stay directly  
11 across the street. I stay at 45.

12 Q. Okay. But -- so you're registered to vote out  
13 of your dad's house?

14 A. Uh-huh.

15 Q. And do you rent across the street?

16 A. No, that's my house across the street.

17 Q. You just hadn't -- at some point in time, you  
18 registered and you were living at your dad's --

19 A. Right.

20 Q. -- and you just hadn't updated it?

21 A. Right. Right. I'm just letting you know that  
22 that's --

23 Q. Right. If it's within the same precinct-type  
24 thing like that, that's not too unusual.

25 A. Okay.

1 Q. When you gave Mr. Baker your envelope, do you  
2 recall if it was sealed or not sealed?

3 A. No, it wasn't -- it was sealed when I gave it  
4 to him, but I'm the one that sealed it.

5 Q. Right. Did Mr. Baker ever talk to you about  
6 this part over here about if you're going to deposit the  
7 envelope in the mail for the voter or deliver it to a  
8 common or contract carrier, you must provide your  
9 signature, printed name, and address in the space  
10 provided?

11 A. No, he didn't tell me that part.

12 Q. Did he make any comments to you about when he  
13 picked it up or anything? I mean, does he just knock on  
14 the door and you hand it to him and he takes it and --

15 A. Yes, sir, that's it.

16 Q. Y'all known each other long?

17 A. Ever since we was kids.

18 Q. Okay. So he's a friend, somebody you trust?

19 A. Uh-huh, somebody I know.

20 Q. Okay. He ever tell you or suggest to you that  
21 he makes money at this?

22 A. No, sir.

23 Q. He just does it out of the goodness of his  
24 heart?

25 A. Yeah, that's what I thought.

1 (Contestant's Exhibit No. 115 marked.)

2 Q. Thank you, Mr. Thomas. I very much appreciate  
3 you making the effort to get here. I understand that  
4 it's not always easy, especially in the summer months,  
5 when you got to get around on crutches. So thank you  
6 for your time, sir.

7 A. You're welcome, and thank you.

8 MR. RICH: No questions, Mr. Thomas.

9 THE WITNESS: All right. Thank you.

10 MR. RICH: Have a good evening.

11 THE WITNESS: All right.

12 THE COURT: Thank you, Mr. Thomas. And Mr.  
13 Thomas, I did see you come in about 12:00 o'clock, and I  
14 apologize for being so late.

15 THE WITNESS: Okay.

16 MS. WOERTENDYKE: The only person I'm  
17 showing left is Rosie Williams. The next one is going  
18 to be Rosie Williams. She's number 20 on your subpoena  
19 list. She's on page number 12, number 26 of your second  
20 list.

21 MR. WYDE: Offering 115.

22 THE COURT: Any objection?

23 MR. RICH: No objection, Your Honor.

24 THE COURT: Admitted.

25 THE BAILIFF: This way, ma'am. If you'll

1 have a seat in that brown chair.

2 ROSIE WILLIAMS,

3 having been first duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. WYDE:

6 Q. Good afternoon, Ms. Williams.

7 A. Hi.

8 Q. How are you doing?

9 A. Oh, I'm here.

10 Q. I know how you feel. I've heard some of y'all  
11 cutting up out there in the hall.

12 A. Yeah, I was fixing to leave.

13 Q. Yes, ma'am. Wouldn't blame you if you did.

14 Ms. Williams, do you remember voting by mail or  
15 absentee?

16 A. No, I don't do that.

17 Q. Is this your signature down there on the  
18 right-hand side, Ms. Williams?

19 A. Well, it looks like it.

20 Q. And do you know a Mark Baker?

21 A. No.

22 Q. Did you remember getting some election papers  
23 in the mail, Ms. Williams, that came in a green envelope  
24 like this earlier this year?

25 A. No, I didn't get one of those.

1 Q. You sure about that?

2 A. Yeah, I'm sure.

3 Q. Do you know how your signature -- is that your  
4 signature --

5 A. Yes, it is.

6 Q. -- up here at the top right?

7 A. Yeah.

8 Q. You sure about that?

9 A. Yeah. Well, it looks like it.

10 Q. Well, because the only way that signature can  
11 get on that paper is if you sign one of these brown  
12 envelopes that comes in one of these green envelopes.

13 A. No.

14 Q. Does any of that make sense?

15 A. No. No. The only thing I sign in my house was  
16 two -- a black lady and a white lady came through there  
17 and they were taking census, and that was the only thing  
18 that I signed.

19 Q. Yes, ma'am.

20 A. But I vote -- every time voting comes around, I  
21 go over to the school because it's right in the back of  
22 me.

23 Q. Yes, ma'am.

24 A. And I voted this year over at the school.

25 Q. Do you have that little blue card?

1 A. No, I don't have a blue card.

2 Q. A little registration -- voter registration  
3 card? They'll stamp it when you show up to vote?

4 A. No. They don't give me no card over there to  
5 the school.

6 Q. Do you know the difference between the City  
7 election and the primary?

8 A. I didn't vote but one time.

9 Q. Did you vote for the -- in the City --

10 A. Yeah.

11 Q. -- election or in the Democratic election?

12 A. I think it was the City where all the lawyers  
13 and all of them was running.

14 Q. Well, in the City, there's the City Council  
15 people and the school board people, but --

16 A. No, I didn't vote in that one.

17 Q. -- in the primary, it's all the judges and the  
18 legislators.

19 A. Yeah, that's the one I voted in.

20 Q. Do you have one of these?

21 A. Oh, yeah, I get that.

22 Q. Would you -- could I take a look at that?

23 A. I didn't bring it. You didn't tell me to bring  
24 it.

25 Q. I got more than one. You want my other one?

1 Well, if I told you, Ms. Williams, that  
2 this green envelope was mailed to your house, one just  
3 like it, and --

4 A. Well, I didn't get it.

5 Q. Okay. Do you know how your signature would get  
6 on the brown envelope like this?

7 A. No, I don't, because I didn't get anything.  
8 The only thing I got at my house was those people coming  
9 around leaving them little like cards.

10 Q. Uh-huh.

11 A. That's the only thing. I got a whole bunch of  
12 those, and I just put them in the trash, but I didn't  
13 get no big one.

14 Q. Do you recognize this young lady (showing  
15 photo)?

16 A. No.

17 Q. And you don't ever remember giving your ballot  
18 or any election papers to any man or anybody?

19 A. No. No. There was two ladies that came by  
20 there and said it was -- signed me up for census, and  
21 that's the only two that -- it was a bunch of kids that  
22 come around there giving me cards, but I didn't know any  
23 of the people, so I just put them in the trash. But I  
24 didn't get nothing like that and that one either. I  
25 didn't get no envelope, period.

1 Q. Does anyone else live with you, Ms. Williams?

2 A. No.

3 Q. Do you recognize this lady over here as coming  
4 by to see you back in March?

5 A. No.

6 Q. May? Back in May, a couple of months ago?

7 A. No. I don't remember exactly -- like that.

8 Q. Okay. Well, this is one of those cards,  
9 Ms. Williams, that I would say that folks get mailed --  
10 that -- it's mailed to them, and it's -- once you sign  
11 it, and if you put it in --

12 A. No, I don't do anything like that. When they  
13 mail that stuff to me, I just put it in the trash.

14 Q. Well, I understand, and that's why I was kind  
15 of curious about how your signature may have shown up on  
16 these two documents. Is that your signature?

17 A. Yes.

18 Q. You sure?

19 A. Well, it looks kind of like it.

20 Q. Do you think somebody signed your name, because  
21 in the first one, it says Rosie L., and in this one, it  
22 says Rosie Lee, and this one down below, the W is a  
23 little bit higher --

24 A. Uh-huh.

25 Q. -- than it looks like the W on this one.

1 A. Uh-huh.

2 Q. It looks a lot alike, I'm going to suggest  
3 that. But I'm just curious, after looking at it, you're  
4 the only one that can tell us the most about your  
5 signature.

6 A. The only thing I signed was -- at least they  
7 said was census, so that's the only thing I've signed  
8 that come to my house. I always vote at the school, and  
9 nobody else comes by there for me to sign anything.

10 Q. When you voted at the school this time, did  
11 anybody say that you had already voted?

12 A. No.

13 Q. Does --

14 A. They signed me up, so you'll have to sign some  
15 papers to -- before you can vote.

16 Q. Can you say that again?

17 A. You sign some papers before -- sign papers  
18 before you vote.

19 Q. That book?

20 A. No -- I don't know if it was a book or just  
21 some papers they got in there.

22 Q. Okay.

23 A. But they have ladies there to have you to sign  
24 the papers before you go over there and vote.

25 Q. Yes, ma'am. You see that top signature,

1 Ms. Williams?

2 A. Yeah.

3 Q. Does that look like yours?

4 A. Yeah.

5 Q. If I suggested that back in May, May 4th --

6 A. Oh, I can't remember back there.

7 Q. Well, that's just two months ago. This is just  
8 July, so there was June and May, okay?

9 A. Okay.

10 Q. I mean, I'm not trying to trick you or  
11 anything.

12 A. No, because I know what I signed, and I know  
13 what I didn't sign.

14 Q. Yes, ma'am. Well, this lady -- this is her  
15 signature right here, okay, and she was -- she's saying  
16 on this piece of paper that she went by to see you on  
17 May 4th, about two months ago.

18 A. Well, she may be the one that said she was  
19 taking census. I signed that paper --

20 Q. And she --

21 A. -- the one that was taking census. I don't  
22 know if it was -- I didn't read it.

23 Q. No, ma'am, she's too mean to work for the  
24 federal government.

25 A. So I don't know.

1 Q. Yes, ma'am. When this -- if -- assuming she  
2 came by and you just don't remember, okay, because I'm  
3 sure --

4 A. Yeah.

5 Q. -- there's some things that you might not  
6 remember --

7 A. Uh-huh.

8 Q. -- when you get to be, you know, a little bit  
9 older, right?

10 A. Right, because I don't remember anything no  
11 more. My daughter does everything for me.

12 Q. Right. Do you remember -- do you remember  
13 saying to this lady right here that a black male came by  
14 your house and he took your ballot -- he took your  
15 voting -- your election papers?

16 A. No, he didn't take anything. It's a young man  
17 out there that goes around and talks to the senior  
18 citizens because he used to fill out my sister's and her  
19 -- fill out her papers, and he came by my house and he  
20 was -- I had him explain what they were running for and  
21 all that kind of stuff.

22 Q. Right.

23 A. He works at the school at voting time, and so I  
24 asked him to explain the -- who they was, what they were  
25 running for, and he said, do you want to take a ballot

1 and mail yours in? I said, no, I'm walking over to the  
2 school. So I walked over to the school, and when it  
3 come time, and voted. And he was over there, and four  
4 or five other women was there, so --

5 Q. Yes, ma'am.

6 A. That's it. That's the only time I voted. I  
7 didn't get anything like that. Nothing like that. I  
8 didn't get anything like that.

9 (Contestant's Exhibit No. 116 marked.)

10 MR. WYDE: May we open her precinct which  
11 is 3016?

12 THE COURT: Yes.

13 A. Are you through with me?

14 Q. (BY MR. WYDE) I'm not sure.

15 A. Well, you better hurry up because I'm fixing to  
16 leave.

17 MR. WYDE: May Mr. Woertendyke find what  
18 we're looking for?

19 THE COURT: Yes.

20 MR. WOERTENDYKE: Well, it's in the  
21 envelopes that were on the top.

22 MR. WYDE: Okay. That's here, and that's  
23 3016.

24 MR. WOERTENDYKE: Okay. 3016.

25 Q. (BY MR. WYDE) Just a moment, please.

1 MR. WYDE: May I open what's been marked as  
2 Contestant's 12 which is the sign-in sheet for 3016?

3 THE COURT: You may.

4 MR. WOERTENDYKE: It shows that she voted  
5 by mail, and that if she voted at the poll, she voted  
6 twice.

7 MR. WYDE: Would you mark this one 12?

8 THE REPORTER: 12A?

9 MR. WYDE: Actually, I would mark it -- did  
10 you get this out of the box?

11 MR. WOERTENDYKE: Uh-huh.

12 MR. WYDE: You might just mark it 116A so  
13 it goes with this one, if that makes sense, and --

14 (Contestant's Exhibit No. 116A marked.)

15 MR. WOERTENDYKE: Dan, they would have  
16 rubber stamped over that mail ballot if she voted in  
17 person. If it --

18 THE WITNESS: Do you know what time it is?

19 THE COURT: It's about 4:30.

20 THE WITNESS: Yeah, I see the clock.

21 Q. (BY MR. WYDE) Ms. Williams, is there any  
22 chance at all that you're mistaken about --

23 A. No, I'm not. I voted at the school.

24 Q. -- by voting by mail?

25 A. No. I voted at the school. I always vote at

1 the school because it's right there by my house.

2 Q. And how many times did you vote at the school  
3 this --

4 A. One time.

5 Q. -- this year?

6 A. One time.

7 Q. One time?

8 A. One time. I just vote one time.

9 Q. Would that have been in May?

10 A. I don't know when that was, but whenever they  
11 had voting over there, I went over there and voted.

12 Q. Okay.

13 MR. WYDE: That's all we have. We offer  
14 116 and 116A.

15 MR. RICH: Ms. Williams, I have no  
16 questions.

17 THE WITNESS: What?

18 MR. RICH: I have no questions for you.

19 THE COURT: Ms. Williams, you may be  
20 finally excused. Thank you, ma'am.

21 THE BAILIFF: Thank you, ma'am. Have a  
22 good day.

23 MR. RICH: Your Honor, as to 116, we have  
24 no objection to the application, the ballot envelope  
25 and 116A. We have our objection as to the affidavit

1 which is attached. Again, we have no objection if it's  
2 merely being used for the signature, but for any other  
3 substance, we do object.

4 THE COURT: 116 is admitted. 116A is  
5 admitted for purposes of signature.

6 MR. RICH: What about the affidavit, sir?

7 THE COURT: Yeah, I thought that was A.

8 MR. RICH: No, the affidavit is part of  
9 116.

10 THE COURT: Okay.

11 MR. RICH: 116A --

12 THE COURT: Well, the affidavit is admitted  
13 for purposes of the signature.

14 MR. RICH: Thank you.

15 THE COURT: 116A is admitted.

16 All right. I think that's our last witness  
17 of the day, correct?

18 MR. WYDE: God, I hope so.

19 THE COURT: We're going to try not to keep  
20 anybody later than necessary. Let's just be here at  
21 1:30 tomorrow.

22 MS. WOERTENDYKE: 1:30.

23 THE COURT: So tell the witnesses, and I  
24 know you'll probably have some that show up earlier, and  
25 if I'm here earlier, we'll take those. But I'm trying

1 to not have them sit out there any longer than  
2 necessary.

3 MR. WYDE: We -- would it be acceptable if  
4 we attempt to call them this afternoon and tell them,  
5 you know --

6 THE COURT: Certainly.

7 MR. WYDE: -- there's been a change in the  
8 circumstances?

9 THE COURT: Yes.

10 MR. WYDE: Try not to inconvenience them.

11 THE COURT: Yes.

12 MR. WYDE: Okay.

13 THE COURT: All right. We'll see everybody  
14 back tomorrow.

15 MR. RICH: At 1:30, sir?

16 THE COURT: At 1:30. And like I say -- be  
17 here a little early, before then.

18 MR. RICH: Fine, sir.

19 (Proceedings recessed at 4:35 p.m.)  
20  
21  
22  
23  
24  
25

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  
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8 other proceedings requested in writing by counsel for  
9 the parties to be included in this volume of the  
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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  
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