

Trial on the Merits, Volume 8
July 15 2010

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REPORTER'S RECORD
VOLUME 8 OF ___ VOLUMES

TRIAL COURT CAUSE NO. DC-10-03186

LUIS DANIEL SEPULVEDA,)
) IN THE DISTRICT COURT
)
)
 Contestant,)
)
 VS.) 14TH JUDICIAL DISTRICT
)
)
 CARLOS MEDRANO,)
)
)
)
 Contestee.) OF DALLAS COUNTY, TEXAS
)

TRIAL ON THE MERITS

On the 15th day of July, 2010, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable Richard Davis, Judge presiding, held in Dallas, Dallas County, Texas; Proceedings reported by machine (shorthand).

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P R O C E E D I N G S

THE COURT: I have -- should I take up first the objections to subpoena duces tecum and --

MR. STOOL: I filed that this morning, Your Honor.

THE COURT: Okay.

MR. STOOL: The short version is we're only objecting to production of the documents requested, not through testimony, any one of the documents, a Dallas County identification card clipped to her shirt collar, it's -- the driver's license is the main and the items -- information contained on it.

THE COURT: Okay. And response?

MR. WYDE: Well, unless we're suggesting Ms. Bynum didn't properly vote, I don't have any objections to these documents being excluded. I think this is -- accidentally got included.

THE COURT: A form that sounds like if you were using on some of your others and --

MR. WYDE: Probably.

THE COURT: Okay. All right. The -- so you're -- the driver's license --

MR. STOOL: As I said, Judge, Ms. Bynum has got her Dallas County notification card clipped to her shirt collar, like she does every day, anybody can look

1 at it, if they care to look at it, but I don't
2 particularly want it marked and then put into evidence
3 or handled or anything.

4 THE COURT: Okay. That objection will be
5 sustained then. Thank you.

6 MR. STOOL: Thank you, Judge.

7 THE COURT: All right. Let me ask that
8 everyone who has been subpoenaed to testify this
9 morning, if you'll stand and raise your right hand, I'll
10 go ahead and administer the oath to you. And do we have
11 an interpreter this morning?

12 MR. RICH: We are supposed to.

13 THE COURT: Is there anyone that does not
14 speak English?

15 (Witnesses raising hands)

16 THE COURT: Yes, there are obviously some.
17 Just -- I'll tell you what, would you ask everyone to
18 just step out that's a witness to step out in the
19 hallway, and then we'll just take them one at a time.

20 THE BAILIFF: Ladies and gentlemen, if
21 you're testifying, come with me.

22 THE REPORTER: Judge, I have her business
23 card and I can call her on the phone, if you want me to,
24 and see if she's coming.

25 THE COURT: Okay. Let's see what --

1 (Discussion off the record)

2 THE COURT: Well, we can go ahead with the
3 English-speaking witnesses.

4 THE BAILIFF: Your Honor, this is your
5 process server and this is a notary, so I didn't put
6 them in the hall.

7 THE COURT: Okay.

8 MR. STOOL: You want Ms. Bynum to come on
9 up?

10 THE COURT: Who do you want as your first
11 witness? You want to get Ms. Bynum out of here?

12 MR. WYDE: Well, I apologize, it kind of
13 depended on who was present and who wasn't. I was
14 trying to get a grasp on that. I'd hoped to run through
15 the civilians, you know, the voters --

16 THE COURT: Right.

17 MR. WYDE: -- to finish that up and then
18 move towards a couple of the other matters. I don't --
19 I kind of anticipated Ms. Bynum being one of the very
20 last. I just wasn't -- I think what happened is the
21 subpoena just has 9:00 o'clock, and it wasn't something
22 I really had a lot of control over. Certainly didn't
23 want you to have to wait on her.

24 THE COURT: Well, do y'all think about
25 10:30?

1 MR. WYDE: For Ms. Bynum?

2 THE COURT: Yes.

3 MR. WYDE: That'd be great.

4 THE COURT: Would you like to go do your
5 chores until 10:30?

6 MR. STOOL: She -- and Judge, Ms. Bynum
7 works at the elections department which is down the
8 highway. I'll take her with me and we'll go somewhere
9 and come back at 10:30, I guess.

10 THE COURT: Okay. Sorry about that. Now,
11 let's see, we do have the notary and the process server,
12 Mr. Wyde.

13 MR. WYDE: I apologize, Your Honor, I heard
14 my name, I just didn't hear --

15 THE COURT: I said, I see that we have -- I
16 assume that's our notary and process server out here.

17 MS. SEPULVEDA: Yes.

18 THE COURT: And are you going to call them
19 after you've called the rest of the witnesses?

20 MR. WYDE: Yes. Ms. Woertendyke, this
21 young lady right here, is one of the others that has a
22 signature that'll help us.

23 THE COURT: Okay. Is there any objection
24 to their remaining in the courtroom, or do you want to
25 invoke the Rule?

1 MR. WOOD: No objection, Your Honor.

2 THE COURT: Okay.

3 MR. WYDE: Ms. Sepulveda tells me that we
4 have one of the -- one of the civilian alleged voters
5 speaks English, and we can go ahead and get them on and
6 off.

7 THE COURT: Okay. That'd be great.

8 MR. WYDE: By that time, hopefully, the
9 interpreter will be here.

10 THE COURT: Okay. Sounds good.

11 MS. SEPULVEDA: It's Ms. Mejia.

12 THE BAILIFF: Mejia?

13 MS. SEPULVEDA: Mejia.

14 MS. WOERTENDYKE: M-E-J-I-A. Page 11 at
15 the very top.

16 THE BAILIFF: Were you sworn a while ago?

17 THE COURT: No, I have not sworn anyone.

18 If you'll raise your right hand, ma'am.

19 (Witness sworn)

20 THE COURT: Thank you. Let's pull a chair
21 up, and we're just going to have them testify from here,
22 and just kind of a -- yeah, if you'll turn that around
23 facing -- there you go. That's great. We'll get back
24 into our little routine here.

25 (Interpreter present)

1 THE COURT: You couldn't find anybody to
2 substitute?

3 THE INTERPRETER: I'm sorry about that. I
4 had to go to Frank Crowley, and fortunately, they're not
5 needing testimony till this afternoon.

6 THE COURT: Oh, thanks.

7 THE INTERPRETER: Thank you.

8 THE COURT: All right. You may proceed.

9 MR. WYDE: Yes, Your Honor.

10 GUADALUPE MEJIA,
11 having been first duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. WYDE:

14 Q. Good morning, Ms. Mejia.

15 A. Good morning.

16 Q. Pardon me, Mejia.

17 A. Mejia.

18 Q. Yes, ma'am. Somebody said it's M-E-T. It's
19 really M-E-J?

20 A. M-E-J.

21 Q. And I suspect Ms. Mejia, that earlier this
22 spring, maybe back in February, you received a green
23 envelope similar to this one that I'm showing you today
24 with some election papers?

25 A. I didn't get it. The first time when they came