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**TRANSCRIPT OF PROCEEDINGS
BEFORE THE
TEXAS STATE HOUSE OF REPRESENTATIVES
HOUSE SELECT COMMITTEE ON IMPEACHMENT
AUSTIN, TEXAS
VOLUME V**

1 TRANSCRIPT OF PROCEEDINGS

2 BEFORE THE

3 TEXAS STATE HOUSE OF REPRESENTATIVES

4 SELECT HOUSE COMMITTEE ON IMPEACHMENT

5 AUSTIN, TEXAS

6
7 IN THE MATTER OF HSR NO. 161
8 CONTINUED HEARING -
9 JUDGE O. P. CARRILLO

10 CONTINUED HEARING

11 VOLUME V

12
13 BE IT REMEMBERED that on Tuesday, May 27,
14 1975, beginning at 9:10 o'clock p.m., in the Old Supreme
15 Courtroom, State Capitol Building, Austin, Texas, the
16 above-entitled matter came on for hearing, having been
17 continued from Friday evening, May 23, 1975, before the
18 SELECT HOUSE COMMITTEE ON IMPEACHMENT, the Honorable L.
19 DeWitt Hale, Chairman, Presiding, and the following pro-
20 ceedings were reported by Hickman Reporting Service, 205
21 West Ninth, Austin, Texas, 78701.



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C374
v.5

MEMBERS PRESENT

1
2
3 **REPRESENTATIVE HALE - CHAIRMAN**

4 **REPRESENTATIVE LANEY**

5 **REPRESENTATIVE KASTER**

6 **REPRESENTATIVE HENDRICKS**

7 **REPRESENTATIVE SLACK**

8 **REPRESENTATIVE MALONEY - VICE CHAIRMAN**

9 **REPRESENTATIVE NABERS**

10 **REPRESENTATIVE DONALDSON**

11 **REPRESENTATIVE THOMPSON**

12 **REPRESENTATIVE CHAVEZ**

13 **REPRESENTATIVE WEDDINGTON**

14
15 **APPEARANCES**

16 **FOR HOUSE SIMPLE RESOLUTION NO. 161**

17 **REPRESENTATIVE TERRY CANALES, P. O. Box 730,**
18 **Premont, Texas, 78375.**

19
20 **FOR THE RESPONDENT, JUDGE O. P. CARRILLO**

21 **MR. ARTHUR MITCHELL, Mitchell, George and Belt,**
22 **1122 Colorado, Westgate Building, Austin, Texas, 78701.**

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1 TUESDAY, MAY 27, 1975

2 FIFTH SESSION

3
4 (The hearing was reconvened at 9:10
5 o'clock p.m., pursuant to the evening recess on Friday,
6 May 23, 1975.)

7 CHAIRMAN HALE: The Committee will come
8 to order. The Clerk will call the roll.

9 (The Clerk called the roll.)

10 CHAIRMAN HALE: There is a quorum present.

11 Members of the Committee, we had issued
12 subpoenas for three or four witnesses to appear here
13 this evening. The Chair would like to see if these
14 witnesses are here. Is Mr. Tomas Elizondo here?

15 FROM THE FLOOR: Present.

16 CHAIRMAN HALE: Are you here? Thank you.

17 Mr. Jose R. Nichols?

18 FROM THE FLOOR: Present.

19 CHAIRMAN HALE: Thank you. Mr. Roberto
20 Elizondo?

21 FROM THE FLOOR: Present.

22 CHAIRMAN HALE: Thank you. Mr. Lauro
23 Yzaguirre? Do I pronounce that correctly?

24 FROM THE FLOOR: Here. Right on.

25 CHAIRMAN HALE: Thank you, gentlemen.

1 MR. CANALES: Mr. Chairman?

2 CHAIRMAN HALE: Mr. Canales?

3 MR. CANALES: I have a photocopy here of
4 a check that was referred to earlier in testimony.

5 CHAIRMAN HALE: Mr. Canales, if you will
6 just wait for a minute.

7 MR. CANALES: I was going to ask you if
8 the Chair might want to have copies made for the
9 Committee. It's the only copy that I have and I don't
10 know whether it would copy well or not.

11 CHAIRMAN HALE: All right. Get some
12 copies made.

13 The Chair has had distributed to each member
14 of the Committee two packets, one in a black cover here,
15 which consists of some material, some documents, showing
16 claim forms for Duval County, and then one shows some
17 Internal Revenue Wage and Tax Statements, Copy D on four
18 of the names that have been previously put into evidence
19 here showing their status of the employees.

20 The legal sized manilla file folder that you
21 have, one for each member of the Committee, has been
22 supplied by Mr. Mitchell, and it contains numerous
23 documents which the Chair hasn't had a chance to look
24 through, but it appears to be the same document that
25 was distributed to the press earlier today. Is that

1 correct, Mr. Mitchell?

2 MR. MITCHELL: I have no idea, Mr.
3 Chairman.

4 CHAIRMAN HALE: Well, several members of
5 the press had copies of it shortly after noon today and
6 came by and interrogated me about it. You are free, of
7 course, to handle your press relations any way you want,
8 but any time you issue something to the press they are
9 going to come and ask me questions about it and I would
10 appreciate the courtesy of having a copy of it about the
11 same time you issue it to the press so I could be pre-
12 pared for their questions.

13 There are several matters that we need to take
14 up on matters of business of the Committee which the
15 Chair does not want to take the time to do here tonight
16 since we have witnesses here under subpoena and I would
17 like to get on with the testimony, but there is one
18 matter that we do need to decide here in order that we
19 can let the press and everyone else know, and that has
20 to do with scheduling the work of the Committee for the
21 future. Other business matters concerning the record,
22 for example, and concerning these documents and various
23 other matters we can—the Chair intends to call a meeting
24 of the Committee some time tomorrow, hopefully, if we're
25 not in session over eighteen hours, and we can discuss

1 those business matters at that time.

2 We had scheduled this meeting tonight for the
3 purpose of taking testimony and had subpoenaed witnesses
4 for it. I know that each of you heard the announcement
5 made by the Speaker shortly before we recessed this
6 afternoon in which he stated that he anticipated that
7 the House would probably be in session late tomorrow
8 and probably tomorrow night, well into the night, and
9 also the same thing would be true on Thursday. He had
10 previously talked to me about that and had suggested
11 that we should take that into consideration insofar as
12 scheduling any further meetings of this Committee, other
13 than short business meetings.

14 Tomorrow being Wednesday, and the following
15 day being Thursday, that would leave this week, assuming
16 we didn't want to do anything on Saturday or Sunday,
17 that would leave only Friday night, and as you all know,
18 Friday is the last day before the 72 hour rule goes into
19 effect under House Rules. And I know that we could not
20 do anything Monday night because the House will be in
21 session in all probability until midnight Monday night
22 when the Constitutional deadline arrives.

23 So, it occurred to me, and I suggested it to
24 the Speaker, the possibility that the Committee might
25 just, in view of all of that and in view of the fact that

1 everybody has, I know, many things to do in winding down
2 this session of the Legislature, that we might want to
3 have this meeting tonight as our last meeting until the
4 session is over with, and then schedule as we had
5 previously discussed, resuming the hearings then on
6 Tuesday, June the 3rd. The Chair would welcome comments
7 from other members of the Committee as to your thoughts
8 on the matter, if any.

9 Mr. Hendricks, do you have any comments?

10 MR. HENDRICKS: Mr. Chairman, I don't see
11 that we will really accomplish much before we sine die
12 in the regular session.

13 CHAIRMAN HALE: Mr. Slack, what do you
14 think?

15 MR. SLACK: I agree, Mr. Chairman. I
16 think we would be trying to do too much.

17 CHAIRMAN HALE: Mr. Laney?

18 MR. LANEY: I agree with the Chair.

19 CHAIRMAN HALE: Mr. Maloney, do you have
20 any thoughts on it?

21 VICE CHAIRMAN MALONEY: I'm inclined to
22 agree with Mr. Slack and Mr.—

23 CHAIRMAN HALE: Mr. Donaldson?

24 MR. DONALDSON: No comment.

25 CHAIRMAN HALE: Mr. Chaves?

1 MR. CHAVEZ: Regrettably, I don't see any
2 way around it.

3 CHAIRMAN HALE: Mrs. Weddington?

4 MS. WEDDINGTON: I think we ought to start
5 Tuesday noon and go until we hear all the witnesses.

6 MR. NABERS : Second the motion.

7 CHAIRMAN HALE: It's been suggested at
8 perhaps 2:00 o'clock Tuesday, and then with the thought
9 in mind that Wednesday, Thursday, or however long it
10 takes, we would have morning sessions, afternoon
11 sessions, and possibly evening sessions, until we had
12 heard all of the testimony, and grind straight forward.
13 But the Chair is open on the time. If you'd rather
14 start at noon, that's—

15 MR. NABERS: Let's say 1:30, Mr. Chairman.

16 CHAIRMAN HALE: 1:30? All right. Mr.
17 Nabers moves that following tonight's hearing that the
18 Chair not schedule any more public hearings by the
19 Committee until 1:30 o'clock Tuesday, June the 3rd, I
20 believe. June the 3rd. Is there any discussion on the
21 motion?

22 (No response.)

23 CHAIRMAN HALE: (The motion, being put to
24 a vote, was carried.)

25 CHAIRMAN HALE: The ayes have it. The

1 motion prevails. (Gavel.)

2 Ladies and gentlemen of the press, you are
3 advised.

4 MR. MITCHELL: Mr. Chairman, may I
5 address a question?

6 CHAIRMAN HALE: Yes, sir.

7 MR. MITCHELL: I reread in the afternoon's
8 "Austin American," that the request for the subpoenas
9 was denied in Executive Session Monday. I had not
10 received any prior notice of that. Would the Chair
11 entertain renewal of these subpoenas, or is that the
12 final word on the question of the witnesses that we were
13 advised to bring up here?

14 CHAIRMAN HALE: Mr. Mitchell, the Chair
15 would appreciate you obtaining your information from
16 authoritative sources, namely the Chair, and if you have
17 any inquiries on any of these matters my telephone
18 number here is 475-5824, and if I'm not there, my
19 secretary will be during normal office hours, and the
20 Chair would be happy to answer any question. If that
21 is what the— I haven't seen the newspaper story that
22 you refer to, but if that is what it says and you have
23 quoted it correctly, then the newspaper is in error.
24 The Committee has not turned down any of your requests
25 for subpoenas. We did have an Executive Session to

1 discuss the material that was contained in your summary.
2 We discussed each of the witnesses among the Committee as
3 to whether or not the testimony you were seeking was
4 pertinent to the inquiry in order to determine whether
5 or not to subpoena the witnesses, and the Committee
6 decided at that time to withhold decision on it until
7 we had heard further testimony. So there was no action
8 taken on your subpoena request.

9 MR. MITCHELL: Thank you.

10 CHAIRMAN HALE: But that does not mean
11 they were turned down. They were neither denied nor
12 approved. They were just, I suppose if you want to
13 use parliamentary parlance, they were laid on the table
14 to be considered later.

15 Are there any further business matters of
16 urgency that we need to take up?

17 FROM THE FLOOR: The Statement of Facts,
18 do you want to discuss that?

19 CHAIRMAN HALE: I'm sorry. Mr. Johnson,
20 what?

21 MR. JOHNSON: The Statement of Facts,
22 do you want to discuss that?

23 CHAIRMAN HALE: We'll have that. But there
24 are some matters on that I think we need to discuss in a
25 business meeting of the Committee.

1 Mr. Canales, we have had this check duplicated.
2 Did you get your original or whatever, your copy of it
3 back?

4 MR. CANALES: Yes. I got my copy back.
5 I would like it to be placed into evidence. I believe
6 a copy has been given to the Court Reporter. It's a copy
7 of a check from Mr. Clinton Manges to some Cadillac
8 agency for the Cadillac automobile which was mentioned
9 earlier in connection with the disqualification case in
10 Starr County in which Judge Manges Smith ruled that Judge
11 Carrillo was disqualified because of his many financial
12 ties with Mr. Clinton Manges.

13 MR. CHAVEZ: Mr. Chairman, along those
14 lines, I would like to ask a question.

15 CHAIRMAN HALE: Let the Chair ask both
16 of you to use microphones so we'll get this on tape.
17 It might be historically significant.

18 (The check referred to was
19 marked "Exhibit 20,"
 for identification.)

20 MR. CHAVEZ: In connection with that,
21 was a Statement of Facts submitted to us the other
22 day of the actual testimony that was heard at that
23 particular hearing? Or was just a transcript of the
24 pleadings presented to us?

25 CHAIRMAN HALE: No. The Chair has the

1 first three volumes of the Statement of Facts, what I
2 would call the Statement of Facts. I presume it's
3 probably a combination, isn't it, Mr. Reporter?

4 MR. CHAVEZ: No. I'm talking about the
5 trial in Rio Grande City, at which time this question
6 was raised on the disqualification of the Judge.

7 CHAIRMAN HALE: Oh, yes. The Chair has
8 three or four big trial folders which I presume was the
9 transcript of that trial.

10 MR. CANALES: I believe, Mr. Chairman,
11 that there was submitted in evidence and received a
12 certified copy of the transcript of that particular trial.
13 Yes.

14 MR. CHAVEZ: Are you talking about
15 pleadings, docket entries and stuff or are you talking
16 about Statement of Facts, the actual testimony?

17 MR. CANALES: The actual testimony, I
18 believe.

19 CHAIRMAN HALE: The Chair has not had
20 that duplicated, Mr. Chavez.

21 MR. CHAVEZ: But do we have that?

22 CHAIRMAN HALE: I have the one copy of it—
23 because it fills about three or four file folders about
24 an inch thick and I didn't know whether we wanted to go
25 to the expense to get a copy of that for every member of

1 the Committee or not.

2 MR. CHAVEZ: What I was going to ask is,
3 is it available where one of us could borrow it if I
4 wanted to look at it?

5 CHAIRMAN HALE: I assume it would be
6 available. The Chair has it in my office. We might
7 want to have it reproduced and give everybody a copy of
8 it.

9 MR. NABERS: Mr. Chairman, didn't we
10 have—that lawyer the other night had pleadings—

11 MR. CANALES: Certified copies presented
12 into evidence and were delivered to the Court Reporter
13 and I believe— I don't know who has possession of the
14 material given to him, but somebody has it.

15 MR. NABERS: Let's find out. Because I
16 thought that was introduced into evidence.

17 MR. CANALES: It was introduced into
18 evidence, I believe.

19 CHAIRMAN HALE: I may be thinking about
20 something else. What was put up here on my desk?

21 MR. NABERS: That was the transcript.

22 MR. CANALES: A transcript of the trial,
23 Mr. Chairman.

24 MR. NABERS: But there were some other
25 pleadings and some other supporting documents and

1 information in regards to the—

2 MR. CANALES: Yes. There were some
3 additional pleadings in there of the actual motions and
4 the orders were also included, along with the transcript.

5 MR. NABERS: Right.

6 MR. CANALES: The motion and the
7 supplemental motion for the removal of Judge Carrillo
8 and the order which accompanied it.

9 Mr. Chairman, the only reason I presented this
10 xerox copy of this particular check is that Mr. Manges
11 has been unavailable to the Committee for some reason or
12 another, and consequently we haven't been able to
13 obtain an original. And I thought it might be best to
14 bring it to the attention of the Committee, the fact
15 that this check was brought out earlier. I have
16 some photographs also that I would like to have marked
17 as exhibits or introduced into evidence, Mr. Chairman.

18 First, the combination of two photographs,
19 picturing the Farm and Ranch Store and the accompanying
20 yard. They have to be taken together. It is two
21 photos. This is supposedly the establishment—well,
22 this is the Farm and Ranch Store, but supposedly the
23 establishment where the Zertuche General Store business
24 was conducted.

25 CHAIRMAN HALE: Perhaps you had better

1 give them to the Court Reporter first.

2 (The photographs referred to
3 were marked "Exhibit-21,"
4 for identification.)

5 MR. CANALES: And additionally, Mr.
6 Chairman, I have three additional photographs of the
7 house, or grocery store, or whatever the structure was,
8 on which the concrete was used for construction, which
9 was referred to in the testimony of Mr. Ruben Chapa.
10 I would offer those into evidence.

11 (Three photographs referred to
12 were marked "Exhibit-22," through
13 "Exhibit 24," for identification.)

14 MR. CANALES: Mr. Chairman, also it has
15 been brought to my attention that possibly it might be
16 in order for the Chair to call the witnesses which have
17 been subpoenaed by the Committee at this time instead
18 of me proceeding with my case. It makes no difference
19 to me and I am at the wish of the Committee, whichever
20 they wish to proceed with first.

21 CHAIRMAN HALE: No, Mr. Canales. The
22 Chair, after you put these exhibits in evidence, the
23 Chair was going to suggest that we have these people
24 under subpoena and we should proceed with those.

25 MR. CANALES: That's perfectly all right
with me.

The only thing I would like to add at this

1 time, Mr. Yzaguirre and his wife, Mrs. Yzaguirre, are
2 both present. The one that was subpoenaed was Mr.
3 Lauro Yzaguirre, the husband. He has asked that I
4 request the Chair to permit his wife to testify in his
5 stead, as she is the actual manager and bookkeeper
6 and is more familiar with the transactions of the store.
7 He is here in answer to the subpoena but he has told me
8 that she is more competent to testify in these particular
9 matters and would ask that she be allowed to testify
10 instead of him.

11 CHAIRMAN HALE: Do all of these people
12 speak English sufficiently well?

13 MR. CANALES: I would have to ask them,
14 Mr. Chairman. I don't know. I haven't had much time
15 to interview with them and my discussion with them was
16 in Spanish, so I don't know whether it would be in
17 English or not.

18 CHAIRMAN HALE: Members of the Committee,
19 we have four witnesses here under subpoena. Does any
20 member of the Committee have any particular order in
21 which they would like to see these witnesses called?

22 Mr. Chavez?

23 MR. CHAVEZ: Let's have Mr. Yzaguirre.

24 CHAIRMAN HALE: Mr. Donaldson?

25 MR. DONALDSON: Mr. Chairman, I'd like to

1 hear from the person we were just discussing, I can't
2 remember the last name, that operates the cash store.

3 CHAIRMAN HALE: Mr. Yzaguirre? All right.

4 I believe if we could, Mr. Yzaguirre, if you
5 would take the stand just for a few questions first
6 and then it may develop that we will want to use your
7 wife in lieu of you for most of the evidence. You may
8 have a seat there, if you will.

9 Mr. Yzaguirre, do you speak English well
10 enough to—

11 MR. YZAGUIRRE: Well, if I need an
12 interpreter, I will tell you about it.

13 CHAIRMAN HALE: I would appreciate it.
14 If you don't understand any of the questions in English
15 you advise me and I have two interpreters standing by
16 here tonight.

17 MR. YZAGUIRRE: Okay.

18 CHAIRMAN HALE: And if you don't under-
19 stand anything that we say, you let the Chair know.

20 MR. YZAGUIRRE: I'll let you know.

21 CHAIRMAN HALE: You understand? Fine.

22 It's my duty as Chairman to advise you of
23 your rights with respect to your testimony.

24 MR. YZAGUIRRE: All right, sir.

25 CHAIRMAN HALE: You will be sworn to tell

1 the truth, and your failure to do so could subject you
2 to a prosecution for perjury. Do you understand that?

3 MR. YZAGUIRRE: Yes, sir.

4 CHAIRMAN HALE: After you have completed
5 your statement, members of the Committee may ask questions
6 concerning your testimony. You must answer these
7 questions truthfully and your refusal to do so could
8 subject you to punishment for contempt.

9 MR. YZAGUIRRE: All right.

10 CHAIRMAN HALE: You can refuse to answer
11 questions only on the ground that such answers might
12 incriminate you, or tend to incriminate you, in some
13 way. You are privileged to have an attorney of your
14 selection sit with and advise you as to your answers if
15 you desire.

16 The Chair will attempt to protect your rights
17 at all times. Do you understand the advice I have given
18 you?

19 MR. YZAGUIRRE: Yes, sir.

20 CHAIRMAN HALE: Are you ready to testify?

21 MR. YZAGUIRRE: Yes, sir.

22 CHAIRMAN HALE: Would you please stand
23 and raise your right hand?
24
25

1 MR. LAURO YZAGUIRRE

2 was called as a witness by the Chair and, being duly sworn
3 by the Chairman, testified as follows:

4 DIRECT EXAMINATION

5 BY CHAIRMAN HALE

6 Q Please, for the record, state your full
7 name and your mailing address.

8 A Lauro Yzaguirre, Benavides, Texas, Box 511.

9 MR. CANALES: Mr. Chairman?

10 CHAIRMAN HALE: Mr. Canales?

11 MR. CANALES: If you will pardon my
12 interruption. I would like to state to the Committee,
13 because there have been quite a few names mentioned
14 back and forth. Mr. Yzaguirre is the owner or at least
15 the operator presently of the Cash Store in which there
16 were allegations made earlier that there were some
17 discrepancies as far as use of Food Stamps or chits and
18 purchasing food by the Judge. That is the testimony
19 that Mr. Yzaguirre, or the field or the point that
20 Mr. Yzaguirre can testify to. And he is a witness
21 called by the Chair, so I would presume that I haven't
22 got the privilege to question him.

23 Q Mr. Yzaguirre, what is your occupation?

24 A I'm the owner of the Cash Store and I'm a
25 butcher and a clerk at the same time. And my wife is a--

1 Q Your wife is what?

2 A She is a bookkeeper.

3 Q She is the bookkeeper there. What is the Cash
4 Store?

5 A It's a grocery store.

6 Q A grocery store?

7 A Right.

8 Q And in the conduct of that grocery store, do
9 you have occasion to redeem chits for people?

10 A Yes, sir.

11 Q Where do those come from? Have you seen any
12 like these?

13 A Yes, sir.

14 CHAIRMAN HALE: Hand those down to him.

15 A I have seen those before. They are from Mr.
16 O. P. Carrillo to give to the people.

17 Q Is that Judge O. P. Carrillo?

18 A Yes, sir.

19 Q The District Judge?

20 A The District Judge.

21 Q The gentleman seated right over here?

22 A Right.

23 Q Are those signed by him?

24 A Well, I tell you, in these I don't know how.
25 It has been so long, you know, that I haven't—you know, I

1 can know—you know, it has been so many years that I
2 don't see these.

3 MR. CANALES: I believe he wants to state,
4 Mr. Chairman, that it's been a while since these have
5 been used in his store. He can correct me if I'm wrong.

6 A I don't know for sure, Mr. Chairman. I can't
7 tell you the truth in this.

8 Q All right.

9 A Because the signature he puts, Mr. Carrillo,
10 on the bottom, it doesn't look the way he signs.

11 Q Let me ask you this question.

12 A Yes, sir.

13 Q When you would get a piece of paper like this,
14 would someone bring it in to you?

15 A Yes, sir. The ladies.

16 Q And they would buy groceries with it?

17 A Yes, sir.

18 Q And you would sell them groceries in exchange
19 for one of these pieces of paper?

20 A Right.

21 Q Is that right?

22 A Right.

23 Q And you would give them the amount of groceries
24 that's indicated by the dollar amount of the piece of
25 paper?

1 A Right.

2 Q Were they always for the same amount?

3 A No, sir. Different amounts.

4 Q For different amounts?

5 A Yes, sir.

6 Q And they were signed, the ones that were
7 signed, they were signed by Judge Carrillo, the ones
8 you redeemed?

9 A Yes, sir. But here I can't say if it was him
10 or somebody else, I don't know.

11 Q All right.

12 A Because I don't remember.

13 Q When did you redeem pieces of paper like that?

14 A I don't remember, sir, to tell you the truth.

15 Q How long? Have you redeemed any this year?

16 A No, sir. It's been about—well, if I know—I
17 can't remember. I've seen these before but I don't know
18 the year.

19 Q Did you redeem any in 1974?

20 A No, sir.

21 Q 1973?

22 A No, sir.

23 Q '72?

24 A I don't know. I can't tell you.

25 Q You don't know?

1 A I just don't know.

2 Q Do you redeem any of them now, with somebody
3 else's signature on them?

4 A No, sir. I just can't tell you anything about
5 these, you know. He used to give us these, but I don't
6 know the year; and I don't even know if here in the
7 signature, I can't tell you nothing.

8 Q Mr. Yzaguirre, I'm not at all sure you under-
9 stood my question.

10 A Yes, sir.

11 CHAIRMAN HALE: Mr. Salem, do you want to
12 help us out?

13 A Mr. Chairman, can my wife take over?

14 MRS. YZAGUIRRE: I'm sorry, but I have to
15 speak up. Actually I think they told you that he—I mean,
16 that I know more about those things than he does. He has
17 probably told you the truth. He doesn't remember, but I
18 do.

19 A Can she take over?

20 CHAIRMAN HALE: We'll get to her. We'll
21 get to her in just a minute.

22 MR. SALEM: What is the question, Mr.
23 Chairman?

24 Q Do you now issue groceries in exchange for
25 pieces of paper like that, here in 1975?

1 MR. SALEM: (Interprets.) No, Your
2 Honor.

3 Q Even though they're signed by somebody else?

4 MR. SALEM: (Interprets.) No, sir.

5 Q You don't use that system at all then now?

6 MR. SALEM: (Interprets.) He hasn't
7 received any of these, Mr. Chairman, at all this year,
8 in 1975. He doesn't remember whether he received any
9 in 1974 either.

10 Q All right.

11 CHAIRMAN HALE: Mr. Maloney?

12 BY MR. MALONEY:

13 Q Mr. Yzaguirre, what are your duties? What do
14 you do in the store?

15 A I sell the people some meat, and I sell them
16 potatoes, anything. And my wife and me, I do work in
17 the butcher store and in front, selling.

18 Q Do you take in the money?

19 A Just in front.

20 MR. SALEM: (Interprets) Yes. He takes
21 the money at the front at the cash register.

22 Q How long have you had your store?

23 A Just one year and a half, sir.

24 MRS. YZAGUIRRE: Let me make another
25 correction there.

MR. MALONEY: Just a moment, ma'am.

MR. SALEM: (Interprets.) His father owned the business prior and then his father was paralyzed and then he has taken the business over for about the last year and a half.

Q Has the store always been in your family?

A Yes, sir.

Q Have you any employees outside of your family?

A No, sir.

Q Have you known Judge Carrillo long?

A Yes, sir.

Q About how long?

A Well, I would say about twenty years.

Q Have you ever done any business with him?

A Well, he fixed my—no, sir, not me.

Q Does he buy his groceries at your store?

A Yes, sir.

Q Does he buy them personally, or does someone else buy them for him?

A He buys through somebody else.

Q Do you know him?

A And he himself.

Q Who is it that comes in and gets the groceries for Judge Carrillo?

A Roberto Elizondo, Tomas Elizondo and Patricia

1 Garza.

2 Q When is the last time that they came in and got
4 some groceries?

5 A I don't remember.

6 MR. SALEM: (Interprets.) He doesn't
7 remember what day, counselor, but he does remember it
8 was some time during this month.

9 Q Do they do this on a regular basis?

10 MR. SALEM: (Interprets.)

11 MR. MITCHELL: Excuse me. He has gone
12 beyond the question.

13 MR. MALONEY: If you don't mind,
14 counselor.

15 MR. MITCHELL: I'm sorry, Mr. Maloney.

16 CHAIRMAN HALE: Mr. Salem, just
17 translate the question and translate the answer. Don't
18 put your interpretation on it.

19 MR. SALEM: I'll try. I'm sorry.

20 (Interprets.) He doesn't remember. I asked
21 the question, "How often during the month do they come
22 in to buy?" He says he doesn't remember.

23 A Because I don't remember. Because I'm so
24 busy. I'm so busy I don't know what to do, sometimes.

25 Q How long have these three people been buying
groceries for Judge Carrillo?

1 A I don't know, sir. I can't remember. It's so
2 long.

3 Q Has it been a long time?

4 A Yes, sir.

5 Q Has the Judge ever bought groceries from you
6 himself?

7 A Yes, sir.

8 Q How did he pay you?

9 A He paid me by his brother, by county check.

10 Q He paid you by a county check?

11 A Right.

12 Q Do you sell groceries to the county?

13 A I can't answer that.

14 Q Would your wife know whether you sell
15 groceries to the county?

16 A Yes, sir.

17 MR. MALONEY: Thank you very much.

18 CHAIRMAN HALE: Mr. Slack?

19 MR. SLACK: I have no questions.

20 CHAIRMAN HALE: Mr. Hendricks?

21 BY MR. HENDRICKS

22 Q Mr. Yzaguirre, is that the way you pronounce
23 that?

24 A Right, sir.

25 Q Were those food chits there redeemed at your

1 store?

2 A What, sir?

3 Q Do you know whether or not these were redeemed
4 at your store?

5 A I can't tell you that.

6 Q Were chits identical to this redeemed at your
7 store at some time in the past?

8 A Well, I don't remember seeing these, there
9 have been so many years.

10 Q Were food coupons bearing the Judge's
11 signature redeemed at your store some time in the past?

12 MR. SALEM: (Interprets.) He says he
13 would rather that his wife address herself to that.

14 Q All right. Can you answer me this question:
15 Since O. P. Carrillo has been Judge of the District
16 Court there, the 100 and—well, whatever it is—

17 CHAIRMAN HALE: The 229th.

18 Q —229th District Court, have these food
19 coupons been redeemed in your store, since he has been
20 Judge?

21 MR. SALEM: (Interprets.) He would need
22 his wife to address herself to that.

23 Q Do you have any independent recollection of
24 your own as to Mr. Carrillo redeeming food coupons after
25 he became judge?

1 MR. SALEM: (Interprets.) Not him. Just
2 the people.

3 Q There was Roberto Elizondo and Tomas Elizondo
4 and who else was it bought groceries for the Judge?
5 The three of them, who was the third one? I've got
6 Roberto Elizondo, Tomas Elizondo, and who else was it
7 that buys groceries for the Judge?

8 A Patricio Garza.

9 Q Garza? Have they, any one of these three,
10 ever to your knowledge redeemed food coupons in your
11 grocery store? Have they brought these coupons in and
12 got groceries?

13 A They never bring these coupons. They signed
14 their name.

15 Q Any similar to that? Have they brought any
16 coupons similar to this?

17 A (The witness shook his head.)

18 Q They have never redeemed any coupons whatsoever?

19 A (The witness shook his head.)

20 Q When they paid you by county check, what kind
21 of check was that?

22 MR. SALEM: (Interprets.) I can't tell
23 you. You'll have to ask my wife—his wife.

24 MR. HENDRICKS: You're doing right well for
25 an Arab. (Laughter!)

1 CHAIRMAN HALE: The Chair would like for
2 you to make literal translations, Mr. Salem, if you
3 will, just as though you were the witness.

4 MR. SALEM: Yes, sir.

5 CHAIRMAN HALE: Go ahead.

6 Q Did any one of these three, did they pay for
7 the groceries by check from the Judge? Is that correct?

8 A (The witness shook his head.)

9 Q Is your answer "No"?

10 A No, sir.

11 Q Or is it that you do not know?

12 A No, sir.

13 Q How did they pay for the groceries? When they
14 pick them up how did they pay for them?

15 MR. SALEM: (Interprets.) I'll have to
16 tell you again--(pointing to witness's wife.)

17 Q And if you will pick up those food chits and
18 look at them there, every one of them, I believe, is
19 in the exact amount of \$20. Is that correct?

20 A Yes, sir.

21 Q Are they always in the amount of \$20?

22 A Well, you see, there have been so many years,
23 sir, that I can't recall for sure, you know. I don't
24 know what to say. You see, I don't know for sure how
25 were some for twenty and fifteen. I don't know, you see.

1 Q Do you or your wife collect from the county
2 when you receive these food chits? How do you get your
3 money?

4 A My wife.

5 CHAIRMAN HALE: Mr. Nabers?

6 BY MR. NABERS

7 Q Do you know who these people work for, this
8 Roberto and Tomas and Patricio Garza?

9 A For O. P. Carrillo.

10 Q They work for him?

11 A (The witness nodded.)

12 Q Do you know whether or not they also work for
13 the county?

14 A I don't know, sir.

15 Q How do you know they work for O. P. Carrillo?

16 A They come and get the groceries.

17 Q You consider that working for O. P. Carrillo?

18 A Well, that's what they have. They sign their
19 names on the paper.

20 Q How do they—do they just say they want to
21 charge these to O. P. Carrillo and sign their name?

22 How does that work?

23 A Well, I can't explain that. You see, O. P.
24 Carrillo gives the order and they sign it, so we give
25 the bill.

1 Q Do you have any other employment?

2 A Who?

3 Q You.

4 A No, sir.

5 Q What did you do prior to the time that your
6 father became ill and you took over the store?

7 A What did I do before?

8 Q Yes.

9 A I helped my daddy.

10 Q You have always worked in the store?

11 A Yes, sir.

12 Q Do you know on whose authority or if anyone
13 else has signed those white slips other than the
14 signature that's on that card?

15 A Who else? Well, you see, you have to ask my
16 wife. She knows more.

17 Q What are your store hours and what days of the
18 week are you open?

19 A I open at 6:30 in the morning and close at
20 7:00 in the night.

21 Q Seven days a week?

22 A No, sir. Closed on Sunday.

23 Q You're closed Sunday?

24 A Yes, sir.

25 Q Does Roberto and Tomas and Mr. Garza come in

1 during the—at all times, or do they come in on
2 Saturdays, or do they come in during the week?

3 A That depends on what they want to do.

4 Q In other words, you have seen them in the
5 store and they have bought groceries at different times
6 of the days of the week and at different times?

7 A Right, sir.

8 MR. NABERS: That's all.

9 CHAIRMAN HALE: Mr. Kaster?

10 BY MR. KASTER

11 Q Mr. Yzaguirre, how long have you worked in the
12 store? How many years total have you worked with your
13 father?

14 A I worked with my daddy, let me see, it was in
15 1959.

16 Q From 1959?

17 A Uh huh, to this.

18 Q How long has your wife worked in the store?

19 A Well, the same.

20 Q The same time?

21 A Uh huh.

22 Q You've been married since—how long?

23 A Since 1954, sir.

24 Q Did Judge Carrillo have a charge account there
25 at the store?

1 A You will have to ask my wife.

2 Q Now, do I understand that she handles the
3 cash register most of the time?

4 A Yes, sir. But they pay by the month.

5 Q Well, I mean, your wife sits at the cash
6 register most of the time and you work in the butcher
7 part and—

8 A We change places. She works in the office and
9 I work in front too.

10 Q You have an office there at the store too?

11 A Yes, sir.

12 Q And she mails out the statements each month?

13 A Yes, sir.

14 Q And she handles all the bookkeeping part?

15 A Yes, sir. That's what I'm trying to say.
16 She does everything for me for bookkeeping.

17 Q Well, when you're at the cash register and
18 somebody comes in to charge something how do you go about
19 charging it to them?

20 A We've got some slips and books.

21 Q So if I buy some groceries and I have a charge
22 account then you have me sign the account?

23 A A piece of paper, or a book. If you wanted to—
24 how do you call those? They sell it and, you know, I
25 order by cases. You keep one and I give you one and I keep

1 one.

2 Q That's a receipt.

3 A Receipt.

4 Q Do you keep those receipts?

5 A No, sir.

6 Q No, I mean does your wife keep them on hand
7 so that you have a copy for yourselves?

8 A No, sir. When they pay we give them one.

9 Q Then you don't have any when they pay your
10 bill?

11 A I don't know. You'll have to ask my wife.

12 Q When they charge, you're at the cash register.

13 A Uh huh.

14 Q And I charge and I sign something and you give
15 me a copy of it right then and you keep a copy.

16 A No, sir. You see, I make a little slip in the
17 register and then I say to you, \$2.00, and that's when
18 you go and pay me and I register in the cash register.

19 Q That's if I pay cash.

20 A Yes, sir.

21 Q But I'm talking about---

22 A But every month when you pay I put the amount,
23 is what I'm trying to tell you.

24 Q What system do you use now? Do you have people
25 you say you don't use that white piece of paper there

1 any more for welfare people?

2 A You will have to ask my wife on that.

3 Q Do you stay at the cash register any now?

4 A Sir?

5 Q Are you at the cash register any now? Do you
6 still sometimes go to the cash register?

7 A Well, she—what do you mean?

8 Q You take money if you're at the front cash
9 register? If somebody comes in and wants to buy something
10 and pay you, then do you take the cash register?

11 MR. SALEM: (Interprets.) He says "Yes."

12 Q Do you all take food stamps, like government
13 food stamps?

14 A Right.

15 Q So that is what you use if—

16 A (The witness nodded.)

17 Q Do you know how long you have been taking food
18 stamps?

19 A I don't know. You will have to ask my wife.

20 MR. KASPER: Okay. No further questions.

21 CHAIRMAN HALE: Mr. Donaldson?

22 BY MR. DONALDSON

23 Q Do you know Cleofas Gonzalez?

24 A Yes, sir.

25 Q How long have you known him?

1 A About twenty years.

2 Q Do you know where he works?

3 A He works for the Water District.

4 Q Did he work for somebody prior to that? Did
5 he work for somebody else before that?

6 A Oh, yes, sir. For Ramiro Carrillo.

7 Q What did he do?

8 A I don't know, sir.

9 Q On these white slips—

10 A Yes, sir?

11 Q —did you get any of those at your store since
12 Judge Carrillo has been a Judge?

13 A Yes, sir.

14 Q You have received those type payments since
15 Judge Carrillo took the Bench? Right?

16 CHAIRMAN HALE: Put that to him in Spanish,
17 Mr. Salem.

18 MR. SALEM: (Interprets.)

19 A Si..

20 MR. SALEM: He says "Yes."

21 A (Speaking in Spanish.)

22 MR. SALEM: He says yes, he has received
23 some, but where he put that O. P. Carrillo—

24 A Yes. I've seen them now. Yes, I remember now.
25 Yes. He used to give these to the store, O. P. Carrillo.

1 Q You say Judge Carrillo used to give those to
2 the store?

3 A Well, to the people and they would bring it to
4 the store.

5 Q At that time he was judge?

6 A Yes. But I don't know what year.

7 Q Okay. So if he became judge in 1970, then
8 what you're saying is that you received some of those
9 in '70 or '71. Would that be correct?

10 MR. SALEM: (Interprets.) But it was
11 when my father was there. I didn't know.

12 CHAIRMAN HALE: I think the record
13 reflects he became judge in January of 1971. Is that
14 correct?

15 Q Did you ever take any of these to Cleofas
16 Gonzalez in order to get paid for them?

17 A I don't remember.

18 Q Now, when Tomas and Roberto and Mr. Garza came
19 in, bought groceries, they would sign their name and
20 charge them to Judge Carrillo?

21 A Right.

22 Q At the end of the month somebody would pay
23 Judge Carrillo's bill. Is that right?

24 A Right.

25 Q Who paid his bill?

1 A His brother, Ramiro Carrillo.

2 Q Did Judge Carrillo ever pay his bill?

3 A I don't remember, sir.

4 Q How did he pay his bill?

5 A Who?

6 Q Ramiro, if he paid the bill.

7 A Well, you have to ask my wife for that.

8 Q Do you recall ever collecting the money yourself—

9 A No, sir.

10 Q —from Ramiro Carrillo?

11 A No, sir.

12 Q And so you never collected any money from
13 Judge Carrillo then?

14 A No, sir. Not me.

15 Q Any information about that your wife would
16 have?

17 A Right.

18 MR. DONALDSON: Pass him.

19 CHAIRMAN HALE: Mr. Laney?

20 MR. LANEY: Pass.

21 CHAIRMAN HALE: Mrs. Thompson?

22 MS. THOMPSON: I pass, sir.

23 CHAIRMAN HALE: Mrs. Weddington?

1 BY MS. WEDDINGTON

2 Q You said a while ago, and I believe Joe will
3 help me. I believe he said the Judge gives us the
4 order. How do they get the order for what groceries
5 they will provide?

6 A No, you are—(speaking in Spanish.)

7 MR. SALEM: You asked if the Judge gave
8 the order?

9 Q Yes. When you talked about those three
10 people coming in to pick up groceries for the Judge, how
11 does he know what groceries to give them?

12 MR. SALEM: (Interprets.)

13 MR. CANALES: Mr. Chairman, that is not
14 the proper question. He asked, or put the question to
15 the witness as to how he knew that he sent them, and I
16 believe Mrs. Weddington wanted to know—

17 MS. WEDDINGTON: Right. Who decides
18 what groceries, whether they want steak or potatoes or
19 what.

20 MR. SALEM: Oh. (Interprets.) Let's see
21 if I can get this. "Now look, so that I don't get mixed
22 up and you don't get mixed up, my daddy had all of this
23 already prepared when I took over the business, when I
24 took over the store."

25 CHAIRMAN HALE: I don't believe he under-

1 stands your question, Mrs. Weddington.

2 MS. WEDDINGTON: No. Joe, what I'm saying
3 is, does someone send him a written list of what items
4 they want?

5 MR. SALEM: Stop right there. (Interprets.)
6 Now, "Does someone send you a list with the articles
7 they want?" Right?

8 CHAIRMAN HALE: We can't get your head-
9 shake. The Court Reporter can't.

10 A I don't understand, Mr. Chairman. I don't
11 understand what—

12 MR. CANALES: I think I could put the
13 question to him where he will understand it, if counsel
14 will permit.

15 CHAIRMAN HALE: All right, Mr. Canales.

16 MR. CANALES: (Interprets.)

17 Is that the right question?

18 MR. SALEM: Yes. That is proper. "They
19 just pick out what they want."

20 Q So those three people come in and pick out
21 whatever groceries they want?

22 MR. SALEM: (Interpreting.) "Well, yes.
23 I can't tell them."

24 A I don't understand. You had better ask my
25 wife. Because I might get mixed up.

1 Q You manage the front of the store, don't you?
2 You give people their groceries?

3 A No, ma'am. You see, I never say anything to
4 nobody. You see, they come and they ask—for example,
5 like you, when you go and buy groceries, you don't tell
6 what you want back to the man in front at the register.
7 You buy your own. That is why I got mixed up here and
8 everything.

9 Q Okay. How many people are there in the family
10 of Judge Carrillo?

11 A I don't remember right now.

12 Q Is he married?

13 A No. No, ma'am.

14 Q He is not, or you don't know?

15 A No, ma'am. He is not married.

16 Q Does he have a woman who runs his house and
17 does cooking for him?

18 A I don't know anything about that business.
19 (Laughter!)

20 Q Excuse me for the question. What I'm trying
21 to ask, who does the cooking for Judge Carrillo?

22 A I don't know his business, ma'am. I'm sorry.

23 Q Okay. Normally, when groceries are bought,
24 do they ever buy expensive groceries, like steaks?

25 A Do you want me to answer it, Mr. Chairman?

1 **CHAIRMAN HALE:** If you know the answer,
2 Mr. Yzaguirre. If you don't know, just say you don't
3 know.

4 A I'm in touch with the man, that I don't ask
5 people—tell people— I don't like to see in your
6 business. I don't know.

7 Q Are you the butcher in the store?

8 A Yes, ma'am.

9 Q Do you know who in your store buys steaks?

10 A I don't keep up with everybody, ma'am.

11 Q Do you know some customers don't buy steaks
12 and other customers often do buy steaks?

13 A I couldn't tell you that ma'am, because there's
14 too many people.

15 **MR. SALEM:** He says that he doesn't
16 know who buys steaks and who doesn't. There are just
17 too many people coming in and out. Now, he didn't say
18 "coming in and out." I'm offering that.

19 Q What kind of groceries are normally—

20 **CHAIRMAN HALE:** Mr. Salem, it would help
21 the Chair and the Committee if you would just interpret
22 and not ad lib your comments.

23 **MR. SALEM:** But, Mr. Chairman, when you
24 know when—okay. Go ahead.

25 **MS. WEDDINGTON:** Mr. Chairman, I'm not

1 trying to take the Committee's time unduly. Perhaps
2 you can help me phrase the question. It seems to me
3 that if those three people were buying groceries for
4 the family, for parties or the normal family kind of
5 food they would buy one kind of thing; if they were
6 buying for the farm hands or the ranch hands or, you know,
7 other people, they would buy a different kind of food,
8 which might give some indication. No, they wouldn't?

9 MR. NABERS: Why would they?

10 MS. WEDDINGTON: I mean, I buy artichokes
11 and steaks and, you know, good stuff. Well, okay. What
12 about asking approximately how many people that the food
13 they buy would feed? In other words, are they buying
14 for all the ranch hands?

15 CHAIRMAN HALE: Find out how much he
16 spends a month.

17 BY CHAIRMAN HALE

18 Q How much does the Judge's bill run a month?

19 A I don't know. You would have to ask my wife.

20 Q Does your wife know the answer to that?

21 A My wife knows.

22 MR. CANALES: Mr. Chairman, we also have
23 some records from the county, or Mr. Hinojosa, whom we
24 asked to provide some additional records has copies of
25 the checks that he used to pay for it.

1 MS. WEDDINGTON: May I ask one final
2 question? I apologize to the Committee.

3 CHAIRMAN HALE: Yes, ma'am.

4 BY MS. WEDDINGTON

5 Q Do the three people that you mentioned, the
6 Elizondos and Pat Garza, ever buy groceries for their
7 own families, not for Judge Carrillo?

8 A I don't remember that, ma'am.

9 Q Do they ever buy groceries that they do not
10 charge to Judge Carrillo?

11 A What? What is that question?

12 MR. SALEM: (Interprets.)

13 A No.

14 MR. SALEM: "No. No, for the Judge."

15 Q Is there any other grocery store in Benavides?

16 A There are 1, 2, 3, 4, 5.

17 MS. WEDDINGTON: Thank you, Mr. Chairman.

18 CHAIRMAN HALE: Mr. Chavez?

19 MR. CHAVEZ: No questions.

20 CHAIRMAN HALE: Thank you, Mr. Yzaguirre.

21 A I'm sorry.

22 (The witness, Mr. Lauro Yzaguirre, was
23 excused.)

24 CHAIRMAN HALE: Mrs. Yzaguirre?

25 Mrs. Yzaguirre, do you understand English well

1 enough to answer our questions or do you need some of
2 our able interpreters?

3 MRS. YZAGUIRRE: I think I could do okay.

4 CHAIRMAN HALE: All right.

5 If you don't understand any questions, you
6 let the Chair know, would you, and we'll get it
7 interpreted by somebody.

8 MRS. YZAGUIRRE: Yes, sir.

9 CHAIRMAN HALE: I want to give you the
10 warning. It is my duty as Chairman to advise you of
11 your rights with reference to your testimony. You will
12 be sworn to tell the truth and your failure to do so
13 could subject you to a prosecution for perjury. After
14 you have completed your statement members of the
15 Committee may ask questions concerning your testimony.
16 You must answer these questions truthfully, and your
17 refusal to do so could subject you to punishment for
18 contempt.

19 You can refuse to answer questions only on the
20 ground that such answers might incriminate you, or tend
21 to incriminate you, in some way. You are privileged to
22 have an attorney of your selection to sit with and
23 advise you as to your answers if you desire. The Chair
24 will attempt to protect your rights at all times.

25 Do you understand the advice I have given you?

1 MRS. YZAGUIRRE: Yes, sir.

2 CHAIRMAN HALE: Are you now ready to
3 testify?

4 MRS. YZAGUIRRE: Yes, sir.

5 CHAIRMAN HALE: Would you please stand
6 and raise your right hand?

7 (The witness was sworn by the Chairman.)

8
9 MRS. LAURO YZAGUIRRE

10 was called as a witness by the Chair and, having been
11 duly sworn by the Chairman, testified as follows:

12 DIRECT TEXAMINATION

13 BY CHAIRMAN HALE

14 Q Please state your name and your mailing
15 address.

16 A I'm Mrs. Lauro Yzaguirre, Box 511, Benavides,
17 Texas.

18 Q Mrs. Yzaguirre, you are the wife of Mr. Lauro
19 Yzaguirre, the gentleman who just testified. Is that
20 correct?

21 A Yes, sir.

22 Q And you and he have been married since 1954?

23 A Yes, sir.

24 Q And you and he jointly run this grocery store
25 in Benavides known as the Cash Store?

1 A Yes, sir.

2 Q I take it from the answers of your husband to
3 some of the questions that you are sort of the bookkeeper
4 and manager of the store. Is that correct?

5 A Well, I try my best. I don't know.

6 Q You have heard some of the questions with
7 reference to these little slips. Are you familiar with
8 that system of buying groceries?

9 A Yes.

10 Q Did you all redeem a lot of those slips over
11 the years for groceries?

12 A Yes. Sometimes. Yes.

13 Q Similar to that?

14 A Yes.

15 Q How long has it been since you have received
16 some purchase orders written on pieces of paper like
17 that?

18 A Well these, I haven't done this for quite a
19 while, this type, you know, this type of little papers.

20 Q What is "quite a while?" Did you get any of
21 them in 1974, during 1974?

22 A What I mean, they are doing it different now.
23 That is what I mean.

24 Q How do they do it now?

25 A They bring you a slip of paper with names, you

1 know, and amount, and you just copy their names, what
2 they bring you in a sales book.

3 Q It would have—if I were going to buy the
4 groceries it would have my name on it?

5 A If you were going to buy them. Yes.

6 Q Who would it be signed by?

7 A Well, whoever would buy. You see, we have—
8 what my husband didn't tell you is that—you asked him
9 about how they signed. Well, we have just a regular
10 machine. They sign little white papers. They sign
11 their name there. Whatever they take, they sign.

12 Q How do you know who to charge it to and get
13 your money for it?

14 A Well, they tell you. For example, whoever
15 comes, if they want to charge it to me, they say my
16 name, and we'll charge it.

17 Q In other words, I could just walk in there and
18 buy a sack of groceries and tell you I wanted to charge
19 it to Judge Carrillo and you would let me sign it and
20 you would send Judge Carrillo the bill?

21 A I wouldn't let you sign it because I have
22 never seen you before.

23 Q If you know the person you would let him come
24 in and sign and charge it to somebody else?

25 A If I knew that they had been doing that, you

1 know, that thing for O. P. Carrillo, I would let them
2 sign. That's it.

3 Q Do any of them come in and sign against the
4 county and tell you to charge it to the county?

5 A Not in that manner. No.

6 Q How do they tell you if the county is paying
7 for it?

8 A Well, like they bring these papers like I
9 tell you, they are some kind of forms. And they take
10 personal food and charge it to— I mean the county will
11 pay for it.

12 Q Does each person that comes in bring you a
13 piece of paper?

14 A Some do; some don't.

15 Q I see. And if he brings a piece of paper is
16 it signed by somebody?

17 A When the person brings us the piece of paper
18 it says the amount of food and it's signed by the person.

19 Q Who signs it?

20 A The people that, you know, they give orders
21 to.

22 Q Who gives the orders?

23 A The Commissioner, Ramiro Carrillo.

24 Q Is it signed by the Commissioner?

25 A Yes, sir.

Q It seems like we're a long time getting around to the answer. In other words, these slips of paper are signed by the County Commissioner?

A Yes, sir.

Q Who would that be?

A Ramiro Carrillo.

Q Ramiro Carrillo. All right.

Now, what if they don't have a piece of paper? How do you determine whether to give them groceries and how many, and how much in the groceries?

A Well, sometimes they call us and tell us somebody is going to go there and to just give them ten, fifteen, twenty dollars worth of groceries. So we would.

Q Does Judge Carrillo buy groceries at your place of business?

A Yes, sir.

Q Does he buy them himself?

A Sometimes.

Q And sometimes Roberto Elizondo buys them?

A Yes, sir.

Q And sometimes Tomas Elizondo buys them?

A Yes, sir.

Q And sometimes Patricio Garza buys them?

A Yes, sir.

Q Anybody else buy groceries for Judge Carrillo?

1 A Sometimes his nephews.

2 Q What's his nephew's name?

3 A Well, sometimes V. A. Gavito.

4 Q How do you spell it?

5 A G-A-V-I-T-O, I guess. And other nephews that
6 I don't remember.

7 Q Do they pay you for the groceries they buy for
8 Judge Carrillo?

9 A No, sir.

10 Q Do you make a slip?

11 A Yes.

12 Q And have them sign it?

13 A Yes, sir.

14 Q And showing the amount?

15 A Yes.

16 MR. CANALES: Mr. Chairman, may I interrupt.
17 I have a copy of the check used to pay the Cash Store
18 paid in August of '73 in the amount of \$735, if the
19 Committee would like to have a copy of it.

20 Q These people come in, buy a sack of groceries
21 and you total it up and then you charge that amount to
22 Judge Carrillo. Is that correct?

23 A Well, if the Judge calls. If his brother calls,
24 well, charge it to his brother.

25 Q Supposing Roberto Elizondo came in and nobody

1 had called. Would you sell him groceries and charge it
2 to Judge Carrillo?

3 A Yes, sir.

4 Q How do you get paid then? When do you get
5 paid by Judge Carrillo?

6 A At the end of the month his brother, the
7 Commissioner, brings a check and pays for his and for
8 Judge O. P. Carrillo.

9 Q Is that a personal check or a check drawn on
10 the Treasury of Duval County?

11 A Most of the time it is by the county, Duval
12 County.

13 Q County check. And these checks are to pay for
14 the groceries that were bought for both Judge Carrillo
15 and—

16 A That's right.

17 Q —Ramiro Carrillo?

18 A Yes. And sometimes for people that give
19 orders.

20 Q But they bring you only one check for all of
21 it each month?

22 A Yes.

23 Q Is that correct?

24 A Yes.

25 Q About how big an account does that run a month?

1 A Oh, sometimes seven, eight hundred. It all
2 depends. There is no—

3 CHAIRMAN HALE: Mr. Canales, would you
4 hand this to the witness and let her see that.

5 MR. CANALES: Would you like the Court
6 Reporter to mark it first?

7 CHAIRMAN HALE: Yes, I guess so. You'd
8 better mark it.

9 (The instrument referred to
10 was marked "Exhibit-25"
11 for identification.)

12 Q Mrs. Yzaguirre, if you will look at the check
13 in the middle, the middle check—do you follow me?

14 A Yes, sir.

15 Q That, of course, is only a photocopy of the
16 check.

17 A I know.

18 Q And on the second page there is a picture of
19 the back of the check and there is a photocopy of a
20 signature there that purports to be yours. Is that
21 your endorsement?

22 A Yes. That is why I was looking for that.

23 Q Is that your signature?

24 A Yes, sir, it is.

25 Q So you endorsed that particular check?

A I did.

1 Q That check is for— I don't have a copy of it
2 here—that check is for \$735 payable to "The Cash
3 Store," Benavides, Texas, and dated August 6, 1973.
4 Was that in payment for groceries purchased for Judge
5 Carrillo and/or Ramiro Carrillo?

6 A And people.

7 Q And others?

8 A And a few others that they would give.

9 CHAIRMAN HALE: Shall I get copies of
10 this for everybody?

11 MR. HENDRICKS: Yes.

12 CHAIRMAN HALE: Make us copies of these
13 for everybody, both sheets.

14 Mr. Maloney?

15 BY MR. MALONEY

16 Q Mrs. Yzaguirre, I don't really understand how
17 these slips of paper worked that you all used to use.
18 Would you explain that to me, please?

19 A Like the ones I was showing you? Those?

20 Q Yes.

21 A Well, like I tell you, those, I haven't seen
22 for quite a while, you know, those. I mean, well,
23 maybe— I don't want to commit myself, you know, maybe
24 probably a year ago or two years. But I have seen them.

25 Q Would it have been within, say, the last three

1 years?

2 A Probably. Yes. Yes.

3 Q How did they work, Mrs. Yzaguirre?

4 A They would bring me those names and they
5 wanted for me to write the names that were written
6 down and the amount of—you know, like twenties, fifteens
7 and thirties, and all that.

8 Q Would it come to you just as these are with
9 someone's name filled in and some amount filled in and
10 some initials on it?

11 A Probably his name, you know.

12 Q And who would give you this slip?

13 A Well, at first I remember it was Mr. Cleofas
14 Gonzalez. He used to work for Mr. Carrillo and he
15 would bring those.

16 Q He would bring you those slips?

17 A When he was working for him.

18 Q When he was working for whom?

19 A For Mr. Ramiro Carrillo. Cleofas Gonzalez
20 was working for the Commissioner, Ramiro Carrillo.

21 Q What was he doing for him, if you know?

22 A No. That, I don't know.

23 Q How did you know he was working for him?

24 A Because he used to bring me those papers, so I
25 took it for granted that he was working for him.

1 Q He would bring you the papers and then what
2 would you do with the papers?

3 A I would get a sales— I would get the sales
4 book and write the names of the people there and, you
5 know.

6 Q Well, the people themselves wouldn't bring
7 you the slip? Or would they?

8 A Well, some did; some didn't.

9 Q Would they always be for \$20?

10 A Sometimes for more.

11 Q Would you always give them then groceries, or
12 would you give them groceries and some cash, or what?

13 A Well, to the people, groceries. And to every-
14 body just groceries.

15 Q Well, I notice like on these slips they were
16 made out for \$20 even money. Would the groceries
17 always total exactly \$20?

18 A Not exactly.

19 Q How would you balance it out?

20 A They would; I wouldn't.

21 Q Well—

22 A I mean, I got paid for what they took, you
23 know. Some people would get their— I don't know what
24 they call them, claims or whatever they were, and then
25 for the personal food for Ramiro Carrillo and O. P.

1 Carrillo, and it would come to the amount of that.

2 Q Well, I just really don't understand how it
3 works.

4 A Yes, I understand you don't.

5 Q Would Cleofas Gonzalez bring you these slips?

6 A At times. Yes.

7 Q Before you gave anybody any food?

8 A Sometimes he would bring them. Yes.

9 Q And would he just leave those with you?

10 A Yes. And then told me what to do there, and
11 pick the thing and took it.

12 Q Then he would take the food then?

13 A No. He would take the papers. He told me
14 what to do and the paper, not the food. The people
15 would take their food, you know. Say, some people,
16 they give them twenty, twenty-five, fifteen, thirty, all
17 the time.

18 Q Would he come in with the people?

19 A No.

20 Q Do you have the slips before the people come
21 in to get their groceries?

22 A They would call us. You know, if they didn't
23 have the paper they would call us. But people would
24 bring those— I mean it's sort of like a voucher. I
25 don't know what it is.

1 Q Well, no. It is these slips right here that
2 I'm talking about.

3 A Those were just brought by Mr. Cleofas— I
4 mean—

5 Q By himself?

6 A Those were—the people didn't bring those.

7 Q He would just bring you those?

8 A Yes.

9 Q When he brought you those, did you give
10 groceries to the people that were named on those slips?

11 A To some, yes; to some we didn't.

12 Q And what did you do with—

13 A That was to pay for the food for them.

14 Q For Carrillo or Cleofas Gonzalez?

15 A No, not Cleofas. No.

16 Q How did you know it was to pay for food for
17 Mr. Carrillo?

18 A Because at the end of the month I would add
19 his bills and I would take care of them.

20 Q You would figure these into the bill?

21 A Yes.

22 Q And charge it to O. P. Carrillo?

23 A And to Ramiro Carrillo.

24 Q How did you know when it was a charge to O. P.
25 Carrillo as opposed to Ramiro Carrillo?

1 A Well, for O. P. I knew who would sign for him
2 and for Ramiro, well, his family would sign,

3 Q That's on these slips too as well as when
4 Tomas Elizondo and Roberto Elizondo would come in? They
5 would sign another slip?

6 A They would sign their name and we would put
7 "O. P. Carrillo" on top, you know, knowing that it was
8 his bills.

9 Q You have said that sometimes their grocery
10 bill would run as high as seven to eight hundred
11 dollars a month?

12 A Yes. Well, I mean, the ones that would give
13 their personal groceries would run that much.

14 Q Would they buy a great deal of groceries
15 at one time or was it—

16 A Yes.

17 Q Or was there a lot of times they would come
18 in?

19 A Well, they would come often. They would buy
20 groceries.

21 Q To my way of thinking, that is a lot of
22 groceries in a month's time. Is that an unusual order
23 for your store, or do a lot of people order that many
24 groceries?

25 A Well, people buy sometimes three or four

1 hundred dollars, two hundred or three hundred. That's
2 a month, I mean, not right at one time.

3 Q Well, that is what I was asking. If whoever
4 bought them for O. P. Carrillo bought a lot at one time?

5 A Not for him. His usually—the most I think
6 was about \$300, you know, three or four hundred at the
7 most. The rest was his brother's.

8 Q Would they put these in a truck or how would
9 they handle these to get the groceries out of the store?

10 A Well, they take, you know—there are 30 days
11 or 31 days in a month and they would be taking some
12 either twice a day, once a day. It's a grocery store.
13 You come— I mean, they don't take it all at a time.
14 That's what I mean.

15 Q So you would at the end of the month take all
16 the slips you had signed where someone said they charged
17 them to O. P. Carrillo. Is that correct? And then
18 someone would come in to pay you?

19 A Well, they would.

20 Q But I mean, they would come in; you wouldn't
21 send them a bill or telephone them or anything?

22 A No. They would come. At the end of the month,
23 like all the rest, you know, people that we give credit
24 to, they come at the end of the month. We don't send
25 bills.

1 Q Did O. P. Carrillo himself ever come in to
2 pay his bill?

3 A I haven't recalled for a long time.

4 Q Do you recall if he ever did?

5 A Sometimes he did. If there was a balance
6 over what his budget was—that is what was told to us,
7 that he had a \$300 budget. And whatever balance, he
8 would pay the difference, you know.

9 Q Who told you there was a \$300 budget?

10 A His brother, the Commissioner, Ramiro Carrillo.

11 Q And would then this give you a check on the
12 county for \$300?

13 A No. It would come together.

14 Q And then how would they pay you? By check or
15 cash?

16 A Most of the time by check. Both of them.
17 If they had any balances they would pay me by check
18 most of the time, I guess.

19 Q What kind of checks were they? Were they
20 county checks or personal checks?

21 A The difference was paid by personal checks. If
22 there was any difference, you know, like I told you,
23 the Judge had a \$300 budget. That is what we were made
24 to understand. If he had a balance of \$357, three
25 hundred and something, well, he paid the difference.

1 And then if he wouldn't come, well, we would just put
2 "balance to the next month."

3 Q So maybe you would get one check for \$300
4 that would be drawn on the county and then if it was
5 \$357 you would get a check from Judge Carrillo for \$57?

6 A If there was a difference. And if he didn't
7 come, sometimes he didn't come at the end of the month
8 so all I would do was credit his account for his \$300
9 from his budget that was given to me by the county check
10 and the "balance" I put a balance there to him.

11 Q Did you receive a check from the county every
12 month for \$300?

13 A Well, included in that, you know, like you
14 just saw one for \$700. It was included in that; not two
15 separate checks. One for \$700 and one for \$300, no.

16 Q Your husband was telling us about the receipts
17 that are signed and that you give one to someone when
18 they pay their bill.

19 A Well, that is like some people want those, you
20 know, they want copies, you know. Like, for example, we
21 have an oil company. That is what he was referring to,
22 you know; that we make copies because they want, you
23 know, sometimes two copies. That is what he was saying.
24 But most of our business is done just through the
25 regular machine. We don't have copies. I mean, you pay

1 your bill at the end of the month and you take them, and
2 we don't have nothing. I mean, we've got—

3 Q Once you're paid up the money that is owed you,
4 you give whoever paid you everything you have and
5 everything is square?

6 A That is right. And they take them and we
7 get the money, register the money and that is it. They
8 are paid. Unless they have a balance, like I tell you,
9 well then, you know, we'll write a "balance" there.

10 Q Where do you all bank for your receipts for
11 the store?

12 A First State bank at San Diego and at the Bank
13 of South Texas in Alice.

14 Q Which is the one you put your receipts for
15 the store in?

16 A Deposits? At the Bank of South Texas in
17 Alice, Texas.

18 Q Is the other one your personal account?

19 A No. You see, we don't have a bank in
20 Benavides. We have to go about, I don't know how many
21 miles from Benavides to San Diego, so we have to have
22 some money there because hot checks, you know, to have
23 money there because sometimes some hot checks come so
24 we have to redeposit it and all of that.

25 MR. MALONEY: Thank you very much.

1 A Thank you, sir.

2 CHAIRMAN HALE: Mr. Slack?

3 BY MR. SLACK

4 Q Madam, your husband testified that there are
5 five stores, or five grocery stores, in Benavides. Is
6 that about right?

7 A Something like that. Let me see, one, two— I
8 don't know. I never counted them before.

9 Q Do you have—well, at least there are several
10 anyway.

11 A Yes.

12 Q Do you have all the business from Judge
13 Carrillo and the county or do they trade with other
14 stores?

15 A I think they trade with other stores. I
16 don't know.

17 Q Is there any reason why they should trade
18 with your store in preference to others?

19 A I don't think so.

20 Q Do you have better service?

21 A Well, I hate to say, but I think we have
22 better meats, if that's what you're referring to.

23 Q That's perfectly all right. We'll take
24 judicial notice of that if we're ever shopping around
25 for meat. (Laughter!)

1 What I'm getting at is why do they trade with
2 you as opposed to other stores? You have better meat
3 and are you—

4 A You have to ask them. I don't know. I'm
5 sorry but that's the only answer I could give.

6 Q You have better merchandize as far as you
7 know?

8 A I don't know.

9 MR. SLACK: I have no further questions.

10 CHAIRMAN HALE: Mr. Hendricks?

11 BY MR. HENDRICKS

12 Q Mrs. Yzaguirre?

13 A Yes, sir?

14 Q As I understand your testimony, and correct
15 me if I'm wrong, Judge Carrillo and his brother told
16 you he was allowed \$300 per month?

17 A That was the understanding I had.

18 Q Out of the county funds to pay his grocery
19 bill?

20 A That was the understanding I had.

21 Q And the county every month paid \$300 of the
22 Judge's grocery bill?

23 A Yes.

24 Q That came to you by county check to pay for
25 his groceries?

1 A If he had a balance, like I tell you, there
2 would be a balance either way, you know.

3 Q If he overdrew that \$300 he made up the
4 difference, didn't he?

5 A For example, if he had three hundred, like I
6 told you, a balance, he would pay that. If there was,
7 say, \$250 and there was a difference, I put a credit
8 for him, you know, for the next month. He had a
9 credit, I mean, either way.

10 Q But anyway, the county down there allows him
11 \$300 a month to pay for his groceries?

12 A That is what I understood.

13 Q Didn't you think there might be something
14 wrong with this? Does Duval County always pay their
15 District Judge's grocery bill?

16 A I don't know about that, sir. I'm there to
17 sell and whoever buys there—well, they're officials; we sell
18 and I get paid for my food and that's all I want.

19 Q Let me ask you this: do you know D. C. Chapa?

20 A Yes.

21 Q Has he ever brought a check to you from the
22 Benavides Implement and Hardware Store made out to your
23 store?

24 A I would have to see it. I mean I don't recall.
25 I don't remember.

1 Q Do you ever recall one?

2 A No.

3 Q Well, do you ever recall one from the Duval
4 County Conservation and Reclamation District made out to
5 the "Cash Store" and presented to you by D. C. Chapa?

6 A I would have to see them.

7 Q Has it ever happened?

8 A Sir?

9 Q Has it ever happened, to your recollection?

10 A Yes.

11 Q He has brought those?

12 A When my father-in-law was at the store, you
13 know.

14 Q Has D. C. Chapa ever brought you a check
15 made payable to the "Cash Store" from Duval County,
16 drawn on Duval County?

17 A I don't recall it. Not to my knowledge.

18 Q Well now, which ones—of those three do you
19 recall any of them?

20 A The only one I recall is the Water District.
21 If I see it, I mean I recall seeing it, and if it is
22 endorsed by me.

23 Q Has D. C. Chapa ever brought you a check
24 drawn on the Benavides Independent School District made
25 out to the "Cash Store"?

1 A He might have. I mean if I see it and if it
2 is endorsed by me.

3 Q Has he ever done it?

4 A I don't know.

5 Q Have you ever given a rebate or a percentage of
6 refund on such a check?

7 A I have given money. Yes.

8 Q He has brought a check in from the
9 Benavides Independent School District and cashed it
10 with you, or paid a bill with it, and you have given
11 him a rebate. Is that correct?

12 A That's correct. If it is endorsed by me I
13 have done it; if I've seen the check, I've done it.

14 Q Mrs. Yzaguirre, has anyone tried to get you
15 not to testify up here tonight?

16 A No, sir.

17 Q Are you positive of that?

18 A Positive. I'm not that kind of a person.

19 Q Has anyone tried to get your husband not to
20 testify up here tonight?

21 A No, sir.

22 Q No threats?

23 A No threats. Not yet.

24 Q And I believe you said Cleo, as Gonzalez ha
25

1 A He used to.

2 Q And he just left the chit there. Is that
3 correct?

4 A Those little papers.

5 Q Those little slips?

6 A I don't know what you call them.

7 Q He just left them there?

8 A He would leave them there and I would write
9 the names and then he would come and pick them up.

10 Q And no groceries ever changed hands on those.
11 Is that correct?

12 A Not to Cleofas Gonzalez. Not for him.

13 Q He left them there and you endorsed them
14 and he picked them back up. Is that right?

15 A Yes, sir.

16 Q Do you know what he did with them from there?

17 A No, sir.

18 Q Do you know whether or not he turned them in
19 to the County Treasury and collected money on them?

20 A No, sir.

21 Q But he did leave them, and you endorsed them
22 just as though groceries had been given on just such
23 slips as we showed you a minute ago, and then he picked
24 them up and did something with them. Is that correct?

25 A He took them. I don't know what he did with

1 them.

2 Q Did he do this on more than one occasion?

3 A Yes.

4 Q Has he done this since O. P. Carrillo has
5 been District Judge of Duval County?

6 A That, I don't recall.

7 Q Has he done it since January 1st of 1971?

8 A I don't recall. Like I tell you, I haven't
9 seen that type of paper for quite some time.

10 Q Has he brought any kind of food chit in there
11 or slip?

12 A Not lately.

13 Q Since January the 1st, 1971?

14 A I don't think so.

15 Q But you're not positive when this type of
16 food slip was—

17 A Stopped.

18 Q —stopped.

19 A I'm not sure about those, sir.

20 Q Were they used after your husband took over
21 the store a year and a half ago?

22 A Sir?

23 Q Was this type of food slip used—

24 A I don't think so.

25 Q Well, was it used two years ago?

1 A Maybe two years ago. I don't recall.

2 Q Was it used three years ago?

3 A Probably three. Yes.

4 Q Are you positive then it was used four years
5 ago?

6 A Yes.

7 MR. HENDRICKS: Thank you. That's all I
8 have.

9 CHAIRMAN HALE: Mr. Nabers?

10 BY MR. NABERS

11 Q Do you recognize any of the signatures on these
12 white slips that you have seen?

13 A I saw them, but I didn't look. Well, some.

14 Q Whose signatures are they?

15 A Well, some are O. P. Carrillo, but the rest—
16 I mean some I can't, I mean, they are just—

17 Q But you can definitely say that some of those
18 are O. P. Carrillo's signature?

19 A Yes, because I've seen them.

20 Q Ma'am?

21 A I've seen them. Some I've seen, and some are
22 just like that, I mean. I don't know.

23 Q Then the only persons that you have seen whose
24 signature are on those white slips would be Judge
25 Carrillo and his brother. Is that correct?

1 A On that?

2 Q On any of the slips.

3 A Yes. Giving us authority to give. That is
4 what you mean?

5 Q Right.

6 A Yes.

7 Q Only those two persons?

8 A To my knowledge. Yes.

9 Q Fine.

10 Who does Robert Elizondo work for?

11 A I don't know. I mean I thought he was the
12 Court Reporter. That's all I know.

13 Q I beg your pardon?

14 A Court Reporter.

15 Q He is the Court Reporter?

16 A That's what I thought he was. I don't know.

17 Q All right. What about Tomas Elizondo?

18 Who does he work for?

19 A For O. P. Carrillo.

20 Q Do you know whether or not he works for the
21 county?

22 A No, sir.

23 Q Do you know Mr. Garza?

24 A Yes, sir.

25 Q Who does he work for?

1 A For O. P. Carrillo.

2 Q Does he work for the county?

3 A I don't know that either.

4 Q Do you know whether or not there is a store in
5 Benavides by the name of the Farm and Ranch Store?

6 A There is.

7 Q Who owns that store?

8 A Ramiro Carrillo and O. P., I guess.

9 Q Does Cleofas Gonzalez work for O. P. Carrillo?

10 A No, sir.

11 Q Did he ever work for O. P. Carrillo?

12 A Not that I think, I mean, that I remember.

13 Q Okay. Who does he work for?

14 A He used—now?

15 Q Who does he work for now?

16 A It is hard to tell. I don't know. I mean, he
17 runs that Implement Store there so I don't know. That's
18 where I have seen him, but I don't know.

19 Q Who did he used to work for before he ran
20 the Implement Store?

21 A For Ramiro Carrillo.

22 Q What Implement Store now are you referring to?

23 A I guess they call it the Benavides Implement.

24 Q Cleofas works for Benavides Implement?

25 A That's where I've seen him.

1 Q Could he work for the Water District?

2 A Maybe he has. Like I tell you, I mean, I
3 don't know.

4 Q Do you know whether or not he has ever worked
5 for the county?

6 A I guess he has. I mean things like— I mean
7 we never thought of—if we knew this was going to
8 happen maybe we would get more in our heads. But I mean—

9 Q But I'm just asking from your common knowledge
10 as you live in the community. You have lived in the
11 community a long time, have you not?

12 A Yes. I think he did. I don't know.

13 Q Have you ever heard of Zertuche General Store?

14 A A long time ago I heard the name, but I don't
15 know.

16 Q Where did you hear the name?

17 A People talking about it.

18 Q Common knowledge that Zertuche—

19 A Common knowledge, I mean, like people talk.

20 Q That that store is in Benavides?

21 A Like hearsay.

22 Q Do you have a general line of groceries, all
23 staple goods and meats and that sort of thing?

24 A Yes, sir.

25 Q Do you have any other kind of hardware or

1 implements or sundries, different types of things like
2 that?

3 A Well, by "hardware," we have tubs, if that is
4 what you mean.

5 Q Do you have a liquor permit or a beer or
6 wine permit?

7 A Beer. Beer.

8 Q A Beer permit?

9 A Yes, sir.

10 Q Did any of the people buying groceries for
11 Judge Carrillo purchase any alcoholic beverages?

12 A Yes, sir.

13 Q What percentage, would you say, was of the total
14 bill that the Judge would spend in a month for alcoholic
15 beverages?

16 A I wouldn't know. I wouldn't know the
17 percentage.

18 Q How much is the account of Judge Carrillo
19 now at your store? What is the balance that he owes
20 you?

21 A Right now, like I tell you, balance \$57
22 because there was a credit there for \$300.

23 Q He owes you \$57?

24 A Yes.

25 Q All right.

1 A Up to this month.

2 Q Up to this month. All right. So you carried
3 that \$57 forward into—

4 A Well, I'll carry it, if he doesn't pay that
5 for June.

6 Q So he would only have a credit then of the
7 difference between \$300 and \$57, is that correct, for
8 June?

9 A I want you to get this. Last month the
10 county didn't pay.

11 Q All right.

12 A Mr. Carrillo paid with his personal check.

13 Q For all of last month's groceries?

14 A Yes. Because the county checks were no good.

15 Q Where is the \$57? This is \$57 that he has
16 charged this month personally. Is that correct?

17 A Yes.

18 Q So you assume that he still has a budget
19 owed to him by the County of \$300?

20 A I guess so. I mean, it used to come.

21 Q The last check you have received from the
22 county then would be a check for the month of April?

23 A Yes. The last time they paid.

24 Q Did Cleofas Gonzalez ever get any groceries
25 from your store?

1 A No, sir.

2 Q Did Cleofas Gonzalez ever pay or deliver any
3 county checks to you for payment of groceries?

4 A I don't think so.

5 Q Did you ever take any of those white slips to
6 Cleofas to have approved?

7 A No, sir.

8 Q What is the Gutierrez Clover Farm?

9 A That's another store.

10 Q In Benavides?

11 A Yes, sir.

12 Q What is the City Grocery and Market?

13 A That's another store.

14 Q In Benavides?

15 A Yes.

16 Q Do you know who owns the Benavides Implement
17 and Hardware Company?

18 A In my opinion, I mean, I think—

19 Q That is what I want, just your opinion.

20 A Rodolfo Couling, I think he is, of course.

21 Q Do you have any idea who owns the Zertuche
22 General Store?

23 A No, sir.

24 Q Do you have an opinion as to who owns it?

25 A No, sir.

1 **CHAIRMAN HALE:** Mr. Kaster?

2 **BY MR. KASTER**

3 **Q** Do you know where the county jail is? Is
4 there a jail in Benavides, by any chance?

5 **A** No, sir. In Benavides?

6 **Q** Yes.

7 **A** No, sir. I don't think so. I hope not.

8 **Q** Is there one anywhere around close?

9 **A** Are you asking me do I know where the county
10 jail is?

11 **Q** Yes. How far?

12 **A** In San Diego.

13 **Q** How far is that?

14 **A** Oh, it's about I guess 14 miles from Benavides.
15 It's the County Seat, you know.

16 **Q** And there's grocery stores in—

17 **A** In San Diego?

18 **Q** Yes.

19 **A** Yes. I don't know how many, but there are.

20 **Q** I just wanted to find out if maybe these
21 groceries were being bought for the jail.

22 **A** I don't know.

23 **Q** In your opinion, there is no jail around
24 there?

25 **A** Not in Benavides.

1 Q I'm curious about the \$300 budget. As I
2 understand it, you said that Commissioner Carrillo told
3 you that the Judge had a \$300 account there a month,
4 or did both of them together?

5 A No. It was for him.

6 Q That was for the Judge, \$300 a month?

7 A Yes.

8 Q Did I further understand that if the Judge
9 only charged \$250 worth of groceries you got a check for
10 \$300 and you gave the Judge credit between the difference
11 between \$250 and \$300 for the next month?

12 A (The witness nodded.)

13 Q Now, that \$300 check—

14 CHAIRMAN HALE: Is your answer "Yes"?

15 A Yes, sir.

16 CHAIRMAN HALE: You will have to speak
17 because we can't get a nod of your head on the tape.

18 A Okay. Yes, sir.

19 Q You never gave it back in cash?

20 A No.

21 Q It was just a credit?

22 A A credit, yes. A credit either for him or
23 for me. For the store or for him.

24 Q If he charged \$350 in a month and he didn't
25 have any credit coming forward then he would come in and

1 pay the \$50 extra?

2 A Yes. And if he didn't come well I just, you
3 know, would put "balance," you know.

4 Q Due for the next month?

5 A That's right.

6 Q So you just kind of kept a running total of
7 it?

8 A Yes.

9 Q Now these three hundred dollar checks, who
10 were they from? Were they from the county?

11 A Like I told, I guess it was Mr. Hale, they
12 would come all in one, you know, like the \$700.

13 Q I don't understand. What do you mean all—they
14 would pay for several months at a time?

15 A No, sir.

16 Q For one month? Well, if there was a \$300
17 budget—

18 A Let me explain. I said it but let me explain.
19 For example, Mr. Carrillo would owe \$400. You see?
20 And Mr. O. P. Carrillo would owe \$300. There was the
21 \$700.

22 Q Oh, both of them together?

23 A That is what I meant.

24 Q Oh, so did the Commissioner Carrillo, did he
25 also have a \$300 budget?

1 A Or maybe more. I don't know.

2 Q But it was only Judge Carrillo that was
3 limited to \$300?

4 A (The witness nodded.)

5 Q How long was he limited to \$300? Does this
6 go back some time, or do you know?

7 A I guess.

8 Q Well, you're the bookkeeper.

9 A As far as I remember.

10 Q For as long as you remember—

11 A Yes.

12 Q —he had \$300 a month?

13 A I'm the bookkeeper. Before that my father-in-
14 law used to do all of that.

15 Q But you've been the bookkeeper the last year
16 or so? Year and a half?

17 A Yes.

18 Q And so for the last year and a half he has had
19 the \$300 budget?

20 A Yes. Up to that date.

21 Q And then you were getting county checks to pay
22 for Ramiro's and Judge Carrillo's groceries?

23 A Yes, sir.

24 Q That their workers picked up or sometimes he
25 would pick up?

1 A That's right.

2 Q But unfortunately you don't have the signed
3 slips because you give them back at the end of the month?

4 A Like I tell you, at the end of the month I
5 did. I give them back.

6 Q Okay. When Cleofas Gonzalez— I want to get
7 this straight—when he is bringing these white slips
8 and you put the name in and they were for different
9 amounts, \$20 or \$15 or \$35, then he took them back, did
10 you give anybody credit for those, or did you mark it
11 down, or did all you do was just fill in the name?

12 A Just fill in the name and they would take it.
13 Then they would bring the money, you know, the check.

14 Q Would anybody get the food for those white
15 slips, or not?

16 A Some did. Like I say, I said some did.

17 Q The ones that Cleofas Gonzalez brought you
18 that you said you just filled in names, was this where
19 somebody called and said "Give—

20 A Somebody that would call and say give to this
21 person.

22 Q And then later he would bring you the white
23 slips and you would put the names in of people that got
24 the stuff?

25 A Sometimes they would bring names.

1 Q Who is "they"?

2 A Well, Cleofas or Mr. Garrillo, I mean Ramiro
3 Carrillo.

4 Q They would bring the slips with the names
5 already on them?

6 A Yes.

7 Q What would you do with the slips then that
8 they came with the names already on them?

9 A Like I said, in that sales book I would write
10 the name of the person and the amount.

11 Q Oh, in your sales book?

12 A Yes. And give it to them.

13 Q And then at the end of—

14 A I guess they would present it to the
15 Commissioner's Court, I guess. I don't know where they
16 would take it.

17 Q How would you get your money then for the
18 groceries that you gave? Would the county then pay you?

19 A The county would then pay me.

20 Q So that there were people getting groceries
21 from you?

22 A Some people, yes.

23 Q Now, out of this \$735, how much of this was
24 for good that was obtained by these slips?

25 A From that \$700 probably about, say, a hundred

1 or less. You know, people getting the food, you know.

2 Q And the rest of it then was by—

3 A For personal use.

4 Q For the Judge and his brother, the Commissioner?

5 A Yes, sir.

6 Q Okay.

7 A I hope you understand that. You understood
8 that, didn't you?

9 Q Yes. I just wanted to make sure that I
10 clearly understand.

11 A Okay.

12 Q Because I don't want to just think something.
13 I want to understand your testimony perfectly.

14 A Yes.

15 MR. KASTER: Thank you, Mr. Hale.

16 CHAIRMAN HALE: Mr. Donaldson?

17 MR. DONALDSON: I pass, Mr. Chairman.

18 CHAIRMAN HALE: Mr. Lancy?

19 MR. LANEY: I pass.

20 CHAIRMAN HALE: Ms. Thompson?

21 (No response.)

22 CHAIRMAN HALE: Ms. Weddington?

23 MS. WEDDINGTON: Just two questions.
24
25

1 BY MS. WEDDINGTON

2 Q Do you have any idea how many people the
3 groceries that the three people who charged to the Judge
4 bought would feed? In other words, how many people do
5 you suppose they were buying food for?

6 A That, I wouldn't know. The food they were
7 taking?

8 Q That they charged to the Judge. Do you have
9 any idea how many people they were feeding?

10 A No. They took it. I mean, I don't know.

11 Q Were there any special foods that the Judge
12 particularly liked that were included in the purchases
13 that were charged to his account?

14 A They would take everything, like they told
15 me, like groceries, meat, beer, and whatever.

16 MS. WEDDINGTON: I'll pass, Your Honor.

17 Let me ask one other question.

18 Q Do you ever remember an occasion when they
19 might have bought food for a large party that the Judge
20 was giving? Or do you have any way of knowing whether
21 the food that was being bought and charged to the Judge
22 was really for his use?

23 A Yes. It was for his use. That is what you
24 mean?

25 Q Well, you know that those three people took

1 the groceries and they charged it to him. But do you
2 have any way of knowing whether the Judge actually was
3 using that food in his home, for his guests or for his
4 parties or anything like that?

5 A Yes. Because sometimes he would come and take
6 it himself.

7 Q Okay.

8 A Does that answer your question?

9 Q Yes.

10 MS. WEDDINGTON: Thank you.

11 CHAIRMAN HALE: Mr. Chavez?

12 BY MR. CHAVEZ

13 Q Okay. Just so I can fully understand it,
14 there is no doubt in your mind that Cleofas Gonzalez
15 and some of the Judge's other employees picked up
16 groceries at your store for the personal use of Judge
17 Carrillo and these groceries were paid with county
18 money.

19 A Say that again and let me see.

20 Q Is there any doubt in your mind that the people
21 that worked for Judge Carrillo, like Cleofas Gonzalez
22 and—

23 A Cleofas didn't— I didn't mention Cleofas.
24 Cleofas didn't work for the Judge. I told one of the
25 men.

1 Q Is there any doubt in your mind that the
2 Elizondo boys, Roberto and Tomas, picked up groceries
3 for Judge Carrillo and these groceries were paid by
4 county check?

5 A Yes. They were taken on the account of Judge
6 Carrillo and they were paid by county check.

7 Q Did you know that these groceries were taken
8 for the Judge, for the Judge—to his house, for him to
9 use?

10 A I don't know whether— I mean, that I don't
11 know. They just took them and charged them to him.
12 Where they take them I don't know. I don't follow them
13 around to see where they go.

14 Q They were taken from your store for the Judge?

15 A Yes, sir. On his account.

16 Q Charged to the Judge?

17 A Yes, sir.

18 Q These were paid by county check?

19 A Yes, sir.

20 Q Some of these slips that they showed you,
21 did you know all the people, the names that they put
22 down?

23 A Did I know all the people?

24 Q Yes.

25 A No. Some I didn't know.

1 Q So they gave you names of people that you did
2 not know?

3 A That's right.

4 Q And in these instances you put down that you
5 charged to Mrs. Rodriguez—

6 A They would bring me that list and I would just
7 write them down.

8 Q And did not give them any groceries?

9 A Like I say, I would give to some people and to
10 some I wouldn't.

11 Q But when they brought in these slips that
12 they didn't take groceries, were there some times
13 when they brought slips and they did not take groceries?

14 A Yes. When Cleofas—yes.

15 Q That was Cleofas?

16 A Cleofas and Mr. Carrillo both.

17 Q Ramiro Carrillo?

18 A Ramiro Carrillo.

19 Q So they would build up this account with these
20 names?

21 A Yes.

22 Q And some of these names you did not know?

23 A That's right.

24 MR. CHEAVEZ: Thank you.

25 CHAIRMAN HALE: I believe Mr. Hendricks

1 has another question or two.

2 MR. HENDRICKS: Yes.

3 BY MR. HENDRICKS

4 Q Let me carry that one step further.

5 All right now, say Cleofas Gonzalez brought
6 these food slips in. You would endorse somebody's name
7 on them and he would take them back. Is that correct?

8 A Yes.

9 Q You didn't issue any groceries or anything?

10 A Not to Cleofas Gonzalez. No.

11 Q All right. Then later was there a county
12 check made payable, based upon these slips to the "Cash
13 Grocery Store"?

14 A To pay personal food and for others. Yes.

15 Q Then they brought that in and cashed it at
16 your store, didn't they? These slips that no groceries
17 went out on.

18 A No, no. Those were just—like I told you, I
19 make slips and they would take the slips and they would
20 make the amount of that, of whatever they owed. That's
21 what I mean.

22 Q In other words, they were using—let me see if
23 I follow you.

24 A Okay.

25 Q They were using these slips to build up what

1 they owed you in the grocery store?

2 A Yes. And part of what the people would take.

3 Q People would get part of them?

4 A Yes.

5 Q Then they would bring the slips in to make up
6 for what they were going to owe you at the end of the
7 month?

8 A That's right.

9 Q Well, now, was that part of the Judge's
10 \$300, or was that over and above that?

11 A I don't know. The Judge got only \$300.

12 Q And the Commissioner got the rest of it?

13 A Yes.

14 Q But they never did issue a check just payable
15 to your grocery store and which they came in and cashed?

16 A No, sir. No, sir.

17 Q But they built up a credit with these slips.

18 A A credit, yes.

19 Q And at the end of the month a check was issued
20 on the county to pay their bill based upon you certifying
21 these slips.

22 A That's right.

23 MR. HENDRICKS: Thank you.

24 A Yes, sir.

25 CHAIRMAN HALE: I believe Mr. Donaldson

1 now has some questions.

2 BY MR. DONALDSON

3 Q On Roberto Elizondo, Tomas Elizondo and
4 Rodrique Garza—

5 A Patricio.

6 Q Patricio Garza, these were the three people
7 that you would allow to sign a ticket charging groceries
8 to Judge Carrillo's account. Is that right?

9 A Yes, sir.

10 Q Did Judge Carrillo ever tell you that those
11 three people were authorized to charge groceries to his
12 account?

13 A Not in so many words, but I mean, you see,
14 it's a small town, you know.

15 Q So this practice then, did it develop over
16 several years? Has this gone on for several years?

17 A So far as I know.

18 Q At the end of the month when the bill was
19 paid, you would give these charge tickets to Judge
20 Carrillo?

21 A Well, if he came for them. If not, I would
22 pay them and throw them away. Sometimes he wouldn't
23 even come for them.

24 Q But on occasion did you ever give him those
25 charge tickets?

1 A At times, I think. I mean, like I tell you,
2 at times I gave them to him, I guess.

3 Q Do you know whether or not Judge Carrillo
4 knew that these three people were charging groceries to
5 his account?

6 A He should have.

7 Q Was he ever in there with them?

8 A Yes, sir.

9 Q That you can recall?

10 A Yes.

11 Q And on any of those occasions did they buy
12 groceries?

13 A Yes.

14 Q Do you recall whether or not they signed for
15 those groceries, charged them to Judge Carrillo's
16 account while he was there?

17 A Yes.

18 Q But you don't know what happened to the
19 groceries—

20 A No, sir.

21 Q —as far as Judge Carrillo, whether he ate
22 them or not?

23 A That's right.

24 Q But you do know that they were charged to his
25 account?

1 A Yes, sir.

2 Q And to whom did you look for payment of his
3 account?

4 A From the county.

5 Q It was Judge Carrillo's responsibility to pay
6 you, wasn't it?

7 A That's right. Yes, sir.

8 Q Although the check might have come from the
9 county.

10 A Yes.

11 MR. DONALDSON: Okay.

12 CHAIRMAN HALE: Mr. Maloney has a
13 question.

14 BY MR. MALONEY

15 Q At any time that you presented your bill to
16 Judge Carrillo, did he ever question the bill and say
17 that any of these charges didn't belong to him?

18 A Never.

19 Q Never did?

20 A No, sir.

21 Q Not even on one occasion?

22 A Never.

23 MR. MALONEY: Thank you.

24 CHAIRMAN HALE: Mr. Chavez has some
25 questions.

1 MR. CHAVEZ: Mr. Maloney asked my first
2 question.

3 BY MR. CHAVEZ

4 Q The second question is, did the county ever
5 tell you that they were not supposed to pay for Judge
6 Carrillo's personal purchases?

7 A Never.

8 Q The County Judge nor the County Commissioners?

9 A Nobody did. That's why, I mean, I was there
10 to sell. They were the officials and we sold.

11 Q Okay. And the Judge himself never told you,
12 "Don't charge my groceries to the county. I want to pay
13 for them?"

14 A Never. Never.

15 Q He never did tell you that?

16 A Never.

17 Q And on other occasions he did pay you for
18 the difference.

19 A The difference. If there was a difference.

20 Q So he knew that the county had paid the \$300
21 budget and he paid for the extra?

22 A Yes, sir.

23 MR. CHAVEZ: Thank you.

24 CHAIRMAN HALE: Are there further
25 questions?

1 MS. THOMPSON: Mr. Chairman?

2 CHAIRMAN HALE: Ms. Thompson has a
3 question.

4 BY MS. THOMPSON

5 Q You indicated that at some times he did pay a
6 difference if there ever was a difference. Do you know
7 about how much that difference might have been?

8 A Not—

9 Q Was it thirty, forty, fifty, a hundred?

10 A Yes, sir. Something like that.

11 Q Was it ever about a hundred dollars, or was it
12 always less than a hundred?

13 A It was sometimes a hundred; sometimes less.
14 It varied, you know.

15 MS. THOMPSON: Thank you.

16 CHAIRMAN HALE: Are there further
17 questions?

18 Mr. Kaster?

19 BY MR. KASTER

20 Q When Mr. Elizondo and Mr. Garza came in and
21 charged groceries and signed the slip that they took,
22 did they sign their name to the slip?

23 A Yes, sir.

24 Q And if the Judge came in he would sign his
25 name to the slip?

1 A Yes, sir.

2 Q And there was never any question? You were
3 never questioned—

4 A I was never questioned. If I had,—

5 Q But you were never questioned about these other
6 guys signing the slips?

7 A No, sir. I never had one.

8 MR. KASTER: Thank you.

9 CHAIRMAN HALE: Any further questions?

10 (No response.)

11 CHAIRMAN HALE: Let the Chair ask you
12 one or two questions.

13 BY CHAIRMAN HALE

14 Q Does anyone ever come into your store and cash
15 a check and you just give them the cash for it, just as
16 though they went into a bank and cashed a check?

17 A Yes. A lot of people do that. You know,
18 put "Cash Store," and personal, you know.

19 Q County checks?

20 A No, no. I mean personal. Not county checks.

21 Q Personal checks. Do you ever cash any checks
22 that were—

23 A Made to cash from the county? No, sir.

24 Q —made out from the county?

25 A Not to cash. No, sir.

1 Q For instance, if I had a check payable to me
2 from Duval County and I came into your store and wanted
3 to cash it, would you cash it for me?

4 A If I knew you and you endorsed the check.

5 Q Have you ever cashed any checks like that for
6 anybody?

7 A For workers.

8 Q Did you ever cash any checks like that for
9 someone other than the person whose name was on the
10 check?

11 A Yes.

12 Q Do you remember whose name was on the check?

13 A No, sir.

14 Q On any of those? Had the check already been
15 endorsed on the back?

16 A Yes, sir.

17 Q By the name of the person?

18 A Yes, sir.

19 Q Who brought such a check in for you and asked
20 you to cash it?

21 A Mr. D. C. Chapa.

22 Q Did Mr. D. C. Chapa frequently do that?

23 A Sometimes. Yes.

24 Q The check would not be payable to him?

25 A No, sir.

1 Q It was payable to someone else?

2 A Yes, sir.

3 Q And that someone had endorsed it on the back?

4 A Yes, sir.

5 Q And Mr. Chapa had the check?

6 A Yes.

7 Q And he comes in and you cashed it for him?

8 A Yes, sir.

9 Q And you kept the check and gave him the cash?

10 A That's right.

11 Q Did you know the person who was named as payee
12 in those checks?

13 A No, sir. Sometimes I would and sometimes I
14 wouldn't.

15 Q Sometimes you would and sometimes you wouldn't.

16 When D. C. Chapa would bring in a check like
17 that and you would give him the cash on it, did you also
18 have him endorse the check?

19 A He never wanted to endorse. And I questioned
20 him and my father-in-law said "Go ahead and cash it."

21 Q So he never did endorse them?

22 A I don't recall him ever endorsing a check.

23 Q You would go ahead and cash them anyway?

24 A Yes.

25 Q And some of those checks had payees on them

1 that you did not know?

2 A That's right.

3 Q Do you know that there was in existence a
4 person whose name was on those checks?

5 A I don't know.

6 Q You don't know?

7 A No.

8 Q It could have been made to a fictitious
9 person.

10 A Right. But I don't know that.

11 Q You don't know?

12 A I don't know that.

13 CHAIRMAN HALE: Mr. Canales, would you
14 hand these back to Mrs. Yzaguirre.

15 Q Mrs. Yzaguirre, you were looking through
16 those a moment ago and some member of the Committee
17 was asking you if you recognized the signature of
18 Judge Carrillo on any of those and you said, "Some of
19 them."

20 A Yes.

21 Q I would ask if you would thumb through those
22 and separate those that have Judge Carrillo's signature
23 on them and put them in one stack and all the others in
24 a different stack.

25 A (The witness complied.) These two are the only

1 ones close to his signature.

2 Q You have taken two out of the stack and have
3 identified those as Judge Carrillo's.

4 A To the closest as I can remember.

5 Q I wonder if you would take these and take a
6 pencil and put your initials in the lower righthand
7 corner of each of those two.

8 A (The witness complied.)

9 CHAIRMAN HALE: Hand those to the Court
10 Reporter and let's have them identified. The Chair
11 will offer those into evidence.

12 (The checks referred to were
13 marked "Exhibit 26," and "Exhibit
14 27," for identification.)

15 Q Now, Mrs. Yzaguirre, there are still a number
16 of those chits there. I would ask you to look through
17 these again and would you say that none of those have
18 the signature of Judge Carrillo on it, or are you just
19 not sure?

20 A The closest to them are those two.

21 Q I see.

22 A Of what I've seen of his signature, those are
23 the closest to it.

24 Q Fine.

25 CHAIRMAN HALE: All right. Thank you
very much.

1 A Yes, sir.

2 CHAIRMAN HALE: Mr. Maloney has a
3 question.

4 BY MR. MALONEY

5 Q Mrs. Yzaguirre, do you have any children?

6 A Yes, sir.

7 Q How many?

8 A Three girls and one boy.

9 Q How old are they?

10 A The oldest is nineteen.

11 Q Let me ask you if either you or your husband
12 have any relatives that are employed by Duval County?

13 A Not to my knowledge.

14 Q Do you have any that are employed by the
15 Water District?

16 A Not to my knowledge.

17 Q Any employed by the School District?

18 A Not to my knowledge.

19 MR. MALONEY: Thank you.

20 A Yes, sir.

21 CHAIRMAN HALE: Mr. Hendricks has
22 another question.

23 BY MR. HENDRICKS

24 Q Does the county still pay \$300 a month on Judge
25 Carrillo's grocery bill?

1 A Just like I told Mr. Hale, the last time they
2 paid was when when the— I believe April was the last
3 time that the checks were good.

4 Q This past—

5 A I mean I think it was March.

6 Q Of this year?

7 A Well, the last time they paid. I mean, I
8 don't recall. It was March or April. I don't remember.
9 When they stopped payment.

10 Q Of 1975?

11 A Yes, sir. When they stopped payment. I
12 don't remember when they stopped payment.

13 MR. CANALES: Mr. Chairman, may I make
14 one comment into the record? I believe at the end of
15 last month's payments this is the time that the First
16 State Bank in San Diego filed its petition in the District
17 Court and paid the remaining sums of the county money
18 into the District Court requesting to be relieved of
19 their contract as a county depository because of the
20 problems with determining who was actually the County
21 Commissioners Court. And that's why no checks have been
22 made payable since.

23 CHAIRMAN HALE: Fine.

24 Mr. Canales, would you hand the Chair those
25 two exhibits?

1 Mr. Laney has a question.

2 BY MR. LANEY

3 Q You said that you did sell beer and wine?

4 A Not wine.

5 Q Just beer?

6 A Just beer.

7 Q Do you collect a tax on beer? Is there a
8 tax on beer collected when you sell beer?

9 A A sales tax. Yes.

10 Q Did you charge that on these accounts? Did
11 you charge a tax, a sales tax, on the beer on these
12 accounts?

13 A Yes. I would charge that.

14 Q You would charge sales tax. Even though the
15 county was paying for it you would charge the sales tax
16 anyway?

17 A (The witness nodded.)

18 Q Did you charge a sales tax on anything else
19 the county bought?

20 A Actually, it was personal. I mean I thought it
21 was personal.

22 Q Okay.

23 CHAIRMAN HALE: Would you hand her
24 these.

1 BY CHAIRMAN HALE

2 Q Mrs. Yzaguirre, I have handed you a legal
3 sized document there and I'll ask you to compare the
4 signature on that with those two exhibits which you have
5 previously thought was Judge Carrillo's signature. I'll
6 ask you, does that signature on the legal size instru-
7 ment appear to you to be the signature of Judge Carrillo?

8 A But I have a bill there at my store that has
9 this signature. I mean closer to this.

10 Q I see. But I was asking you on this other
11 one. Would that appear to be Judge Carrillo's signature
12 as you—

13 A I don't know. Not this. I haven't seen that.

14 Q You don't know. All right.

15 CHAIRMAN HALE: Thank you.

16 Do you think there would be any advantage,
17 members of the Committee, to have these two exhibits
18 photocopied for everybody?

19 MS. THOMPSON: I have a question. Are
20 those complete names or only the last name, those two
21 exhibits.

22 CHAIRMAN HALE: I'm sorry. You'd better
23 get the mike here.

24 MS. THOMPSON: I would like to ask the
25 Chairman a question. Are those two exhibits filled out in

1 complete names or only the last name, like "Mrs. Gonzalez,"
2 or "Mr. Zertuche," or is it a complete name?

3 CHAIRMAN HALE: One of them is made out
4 to what looks like "Conrado—

5 MR. CANALES: Consuelo Hinojosa.

6 CHAIRMAN HALE: "Consuelo Hinojosa"
7 appears to be one of them, and "J. S-E-N-G-E-R," it
8 looks like.

9 MS. THOMPSON: What I was interested in,
10 Mr. Chairman, was the fact that there were some included
11 in that pile that we saw that only had a last name, like
12 "Mrs. Gonzalez," or "Gutierrez" or something like that
13 that did not have a complete name. And I was just
14 interested in seeing whether or not those were two that
15 only have a last name only and whether or not she honored
16 those that had a last name only, or those that had
17 complete names, or whether it made any difference.

18 CHAIRMAN HALE: Ask her the question.

19 MRS. THOMPSON: Okay.

20 BY MRS. THOMPSON

21 Q I was interested in knowing whether or not
22 when those forms were brought to your store and you were
23 still using them, whether or not that you honored those
24 forms if it only had a last name, where there was no
25 first name? Or did you only honor those that had

1 complete names, like a first and a last name, or only a
2 last name? Did it make any difference?

3 A We would honor the person, I mean, the
4 whole—for example, like I told you, the other ones,
5 like I told them, they would make the list and they would
6 just have probably just the first name and last name.

7 Q Did you ever honor any that only had the last
8 name where you thought that the Judge had signed them,
9 or the Commissioner"

10 A I don't remember.

11 MS. THOMPSON: Thank you. That's all I
12 have.

13 CHAIRMAN HALE: Are there further
14 questions of this witness?

15 MR. CANALES: Mr. Chairman, if those
16 particular chits are going to be kept by the Court
17 Reporter I would like to have a xerox copy for my own
18 file if at all possible.

19 CHAIRMAN HALE: I'm sending him now to
20 get copies for every member of the Committee.

21 MR. CANALES: And Mr. and Mrs. Yzaguirre
22 have asked me if they might be excused at the termination
23 of their testimony as their volume of business is—well,
24 it's dwindling now, but they would like to get back and
25 be able to open their store since they are the owners

1 and employees also at the same time.

2 MR. NABORS: I so move, Mr. Chairman.

3 CHAIRMAN HALE: Are there further questions?

4 (No response.)

5 CHAIRMAN HALE: Is there any objection to
6 excusing Mr. Yzaguirre? As a matter of fact, Mrs.
7 Yzaguirre is not under a subpoena anyway.

8 MR. JOHNSON: Subject to recall.

9 CHAIRMAN HALE: I was going to get to that,
10 Mr. Johnson. Thank you.

11 MR. HENDRICKS: Mr. Chairman, I would
12 move that we place Mrs. Yzaguirre under subpoena and
13 release her subject to recall.

14 CHAIRMAN HALE: You will be available
15 to the Committee if we need you again, would you?

16 A Yes, sir. Because, like I say, he has to
17 stay at the store. I'll be available. I know a little
18 bit more. He told you, I mean, because most of this
19 I'm the one that knows, you know. Whatever knowledge we
20 have, I know.

21 CHAIRMAN HALE: You have been very helpful
22 to the Committee and we appreciate very much you being
23 here.

24 You are entitled— Mr. Yzaguirre is, being
25 under subpoena, you are entitled to reimbursement for

1 your travel expenses.

2 MRS. CANALES: She is not?

3 CHAIRMAN HALE: We can issue a subpoena
4 to her and she can get reimbursement also.

5 Is there any objection to placing her under
6 subpoena?

7 (No response.)

8 CHAIRMAN HALE: The Chair hears none and
9 the Chair is authorized to place you under subpoena and
10 I'll have one issued.

11 A Thank you.

12 CHAIRMAN HALE: You and your husband both
13 may be excused and you may go back to your business with
14 the knowledge that you're still under subpoena to the
15 Committee. If we need you again you will be notified.
16 Otherwise, you can go about your business.

17 A Thank you very much.

18 (The witness, Mrs. Lauro Yzaguirre, was
19 excused.)

20 CHAIRMAN HALE: Mrs. Yzaguirre, if you
21 would stand by until we can get a subpoena filled out
22 and get it served on you before you leave here tonight,
23 please.

24 Thank you.
25

1 CHAIRMAN HALE: Mr. Tomas Elizondo.

2 MR. MITCHELL: Mr. Chairman, is it possible
3 that I could get copies of some of these exhibits? I
4 have not received any copies of these exhibits. Is that
5 appropriate?

6 CHAIRMAN HALE: Yes.

7 Would you give Mr. Mitchell copies of all of
8 these, as we photocopy them?

9 Mr. Elizondo, do you understand English?

10 THE WITNESS: Yes.

11 CHAIRMAN HALE: If there are any questions
12 you don't understand or anything you are not sure of,
13 you tell the Chair, would you?

14 THE WITNESS: Yes, sir.

15 CHAIRMAN HALE: I will have my private
16 interpreter, Mr. Salem.

17 THE WITNESS: Okay, sir.

18 CHAIRMAN HALE: He will come up here and
19 explain it to you in Spanish.

20 MR. CANALES: Mr. Chairman, would it be
21 proper to object at this time that we don't have Mr.
22 Truman here to complete the trio from Corpus Christi?
23 (Laughter.)

24 CHAIRMAN HALE: The Chair is going to take
25 Mr. Salem aside tomorrow and give him a few instructions

1 on interpreting testimony.

2 Mr. Elizondo, it's my duty as Chairman to advise
3 you of your rights with respect to your testimony. You
4 will be sworn to tell the truth and your failure to do
5 so can subject you to a prosecution for perjury. After
6 you have completed your statement, members of the
7 Committee may ask questions concerning your testimony. You
8 must answer these questions truthfully and your refusal
9 to do so could subject you to punishment for contempt.
10 You can refuse to answer questions only on the ground that
11 such answers might incriminate you or tend to incriminate
12 you in some way.

13 You are privileged to have an attorney of your
14 selection sit with and advise you as to your answers, if
15 you desire.

16 The Chair will attempt to protect your rights
17 at all times.

18 Do you understand the advice that I have given
19 you?

20 THE WITNESS: Yes, sir.

21 CHAIRMAN HALE: Are you now ready to
22 testify?

23 THE WITNESS: Yes, sir.

24 CHAIRMAN HALE: Would you stand and raise
25 your right hand?

1 MR. TOMAS ELIZONDO

2 was called as a witness by the Author of HSR-161 and,
3 being duly sworn by the Chairman, testified as follows:

4 BY CHAIRMAN HALE:

5 Q Please state your name and your mailing
6 address?

7 A Tomas Elizondo, Benavides, Texas, Box 153.

8 Q Mr. Elizondo, you are here under subpoena of
9 the Committee. Is that correct?

10 A Yes, sir.

11 Q You were served with a subpoena?

12 A Yes, sir.

13 Q By an officer?

14 A Yes.

15 Q What business or occupation are you in?

16 A I am the Bailiff for the District Judge.

17 Q Judge O. P. Carrillo?

18 A Right.

19 Q That's the 229th District Court?

20 A Correct.

21 Q Do you go with Judge Carrillo to all of the
22 Counties in that District?

23 A Yes, sir.

24 Q Wherever he is holding Court, you go with him?

25 A Yes, sir.

1 Q Is that correct?

2 A Right.

3 Q How long have you been Bailiff for Judge
4 Carrillo?

5 A Since '71.

6 Q Ever since he's been Judge?

7 A Right.

8 Q And who pays your salary?

9 A Duval County.

10 Q You are paid out of Duval County?

11 A (The witness nodded.)

12 Q Do any of the other counties pay you any
13 money?

14 A No, sir.

15 Q All of your money is paid from Duval County?

16 A Right.

17 Q How much are you paid?

18 A Right now, 750.

19 Q 750?

20 MR. CANALES: Mr. Chairman, I am having
21 trouble hearing him. Would you ask the witness to please
22 speak into the microphone.

23 Q If you would, please. Is the little switch
24 there in the "up" position?

25 A It's on.

1 Q You are paid \$750 a month by Duval County?

2 A Right.

3 Q What do your duties consist of?

4 A To be present when the Judge has Court and
5 keep order in the Court. Escort the Jury in and out of the
6 courtroom. Things like that.

7 Q Do you do any work for Judge Carrillo outside the
8 courtroom?

9 A No, sir. What do you mean, "work outside"?

10 Q I presume when the Court is not in session,
11 what are your duties?

12 A Well, I am off. You mean when there is no
13 Court?

14 Q When he is not holding Court?

15 A If there is nothing to do in the courtroom, I
16 am off.

17 Q Do you stay in the courthouse all day, whether
18 the Court is in session or not?

19 A No, sir. I go to my house.

20 Q Do you do any work for Judge Carrillo outside
21 of judicial duties?

22 A Well, in a way I do.

23 Q How?

24 A I work at his ranch.

25 Q What sort of work do you do on his ranch?

1 A Well, can I explain this deal there?

2 Q Yes, sir. You sure may.

3 A He's got a ranch and he's got cattle on it.
4 You see, he let's me run some of my cattle, me and my
5 brother, run some cattle on his place. And whenever I
6 get a chance, I go out there and check, you know; go
7 see my cows. And, see— He lets me run my cows on his
8 place and in return, I mean— He lets me run them, you
9 know, free. He don't charge me rent. And, in return,
10 I keep an eye on his cows too. You know, just look
11 around and see if they are all right and all of that.
12 That's how I work at his ranch.

13 Q How much time do you spend out at the ranch?

14 A Well, mostly on weekends.

15 Q What did you do prior to the time you became
16 Court Bailiff for Judge Carrillo?

17 A I was in the United States Army.

18 Q I didn't hear you?

19 A I was in the U. S. Army.

20 Q In the Army?

21 A Right.

22 Q Are you related to Judge Carrillo in any way?

23 A No, sir.

24 CHAIRMAN HALE: Mr. Maloney?

1 BY MR. MALONEY

2 Q Mr. Elizondo, you said that you are the Bailiff
3 in the Judge's Court? Is that correct?

4 A Yes, sir.

5 Q How long have you been Bailiff in his Court?

6 A Since '71.

7 Q Since 1971?

8 A Right.

9 Q Since the Judge took the Bench?

10 A Right.

11 Q Did you know the Judge before he took the
12 Bench?

13 A Yes, sir.

14 Q How were you employed at that time?

15 A Before I knew the Judge?

16 Q Before you became Bailiff in his Court?

17 A I was working with the County.

18 Q I beg your pardon?

19 A With the County. Duval County.

20 Q Who were you working for in the County then?

21 A Precinct 3.

22 Q Who was the Commissioner of Precinct 3?

23 A Ramiro Carrillo.

24 Q What was your salary at that time?

25 A Oh, I don't recall.

1 Q You don't recall what you were making at that
2 time?

3 A Well, it's been— I'd say about 275 or something
4 like that.

5 Q What were your duties with the County at that
6 time?

7 A Well, at that time— They had this water well
8 drilling rig and they were making some right-of-ways,
9 and we had to drill wells on both sides of the right-of-
10 ways.

11 Q When the Judge took the bench, you became his
12 Bailiff? Is that correct?

13 A Right. Yes.

14 Q You were paid from Duval County funds?

15 A Right.

16 Q Do any of the other counties contribute to your
17 pay in any way?

18 A No, sir.

19 Q Do you work in the other counties?

20 A Yes, sir.

21 Q What other counties do you work in?

22 A In Starr and Jim Hogg.

23 Q What work do you do on Judge Carrillo's ranch,
24 when you are not being a Bailiff?

25 A Well, just keep an eye on the fences, windmills,

1 on the cows.

2 Q Do you ever buy any groceries for Judge
3 Carrillo?

4 A Yes, sir.

5 Q Will you tell us how you do that?

6 A Well, for example, on the weekend, we have to
7 go out, we are going out, the Judge, me and my brother.

8 Q You say your brother? Is that Roberto Eli-
9 zondo?

10 A Right.

11 Q All right.

12 A He will give me a list of the groceries he
13 wants and I'll go get them.

14 Q What do you mean, he will give you a list?

15 A Well, like, "I want this and this and this."

16 Q What are those for?

17 A Well, usually, it's meat and bread, beans,
18 soda waters and beer.

19 Q When the Judge gives you this list, what do you
20 do with the list?

21 A Sometimes I go get it at the cash store.

22 Q Tell us about when you get the groceries at
23 the cash store. What do you do?

24 A I go get my groceries—well, the Judge's
25 groceries—and the cashier there will, you know, get the

1 amount on the slip of paper.

2 Q All right. When you are saying "the cashier
3 there," would that be Mrs. Yzaguirre that testified
4 earlier?

5 A Either her, or her husband.

6 Q You do recognize them?

7 A Yes, sir. Then I will write on top of it,
8 "O. P. Carrillo," and on the bottom, I will sign my name.

9 Q Then you take the groceries with you. Is that
10 correct?

11 A Right.

12 Q What will you do with these groceries?

13 A Well, usually, we will be working out at the
14 ranch, so we will take them out there.

15 Q You take them out and deliver them to the ranch?

16 A For us, yes, for me.

17 Q When you say "for us," what do you mean?

18 A For me, for the Judge, and whoever we take over
19 there to work with us, to help us out.

20 Q Do you take any of those groceries home with
21 you?

22 A No, sir.

23 Q Do you live on the ranch, or do you live else-
24 where?

25 A No, sir. I live in town.

1 Q You don't take any of those groceries home?
2 You leave them at the Judge's?

3 A Right. We leave them up their that weekend.

4 Q Do you know a Mr. Fred Pilon?

5 A Yes, sir.

6 Q How do you know him?

7 A He is the interpreter for the Judge in Starr
8 County.

9 Q Do you ever work with him?

10 A In the courtroom?

11 Q No. Outside the courtroom.

12 A No.

13 Q What does he do for a living, do you know, other
14 than being an interpreter?

15 A He's a retired Army Sergeant or something like
16 that.

17 Q Does he ever haul water?

18 A For his own business?

19 Q For any business, that you know of?

20 A No.

21 May I add something to that?

22 Q Let me explain this. Any answer that you feel
23 that you would like to explain, feel free to.

24 A Okay.

25 Q Please go ahead.

1 A You asked me if he hauled water. I think it's
2 been this last month that he's been hauling water for the
3 Judge.

4 Q He hauls water for the Judge?

5 A Right.

6 Q Have you ever been with him at any time that
7 he was hauling water for the Judge?

8 A Maybe one occasion or two. Yes.

9 Q Do you recall ever meeting Eudocio Garcia
10 in Roma, Starr County?

11 A What does he do?

12 Q I believe that he would be the manager of the
13 Utilities Department of Roma. Water Utilities, I imagine.

14 A If I met him, it must have been once, because
15 I don't remember.

16 Q Do you recall going to a Rosary in February
17 of—the last of February, I believe—a Rosary for one
18 of the relatives of Judge Carrillo?

19 A Where at?

20 Q In Roma.

21 A No, sir.

22 Q Would the name Bocho Garcia mean anything to
23 you?

24 A No, sir.

25 Q You do not recall at all going to this Rosary

1 for the relative of Judge Carrillo?

2 A No, sir.

3 Q Have you ever been introduced to anyone or
4 acknowledged to anyone that you were the ranch foreman
5 of O. P. Carrillo?

6 A Not that I remember.

7 Q Have you ever introduced yourself as an
8 employee of Judge Carrillo, other than as a Bailiff in
9 his Court?

10 A No, sir.

11 Q How often do you work on Judge Carrillo's
12 ranch?

13 A Well, mostly on the weekends, or sometimes
14 we come out early during the week.

15 Q About how many days a week do you work on his
16 ranch?

17 A Well, counting Saturday and Sunday, let's
18 see— You mean 8-hour days?

19 Q Let's say 8-hour days.

20 A Okay. I would say three or four.

21 Q Three or four days a week—

22 A Counting Saturdays and Sundays.

23 Q —counting Saturdays and Sundays.

24 Are you paid anything by Judge Carrillo for
25 these services you perform on his ranch?

1 A No, sir. Like I say, he lets me run my cows
2 out there and he won't charge me any rent. So, whatever
3 I get out of the calves is for me. That's it.

4 Q How many cows do you have on Judge Carrillo's
5 property?

6 A Well—together, my brother and I, we have
7 around 100.

8 Q You and your brother together?

9 A Right.

10 Q Are you and your brother in a partnership in
11 the cattle business?

12 A Well, something like that.

13 Q How long have you had cattle on Judge Carrillo's
14 ranch?

15 A Well, I'd say since '66, either '66 or '65.

16 Q '66 or '65?

17 A (The witness nodded.)

18 Q Do you buy and sell your own cattle, or do you
19 and your brother have a partnership entity that you call
20 yourselves?

21 A No, no.

22 MR. DONALDSON: Mr. Chairman?

23 CHAIRMAN HALE: Yes.

24 MR. DONALDSON: Would it be proper at this
25 time for me to make a motion that we invoke the Rule in

1 this proceedings, which I assume would apply to our
2 hearings?

3 MR. SLACK: It is a little late, isn't
4 it, Mr. Chairman?

5 CHAIRMAN HALE: Mr. Donaldson, are you
6 concerned about the partnership relationship?

7 MR. DONALDSON: I would think at this
8 point, the testimony of the witness has indicated some
9 partnership relationship and dealings with a witness
10 that is also under subpoena to this Committee and is
11 present, I assume. I think it would be proper.

12 CHAIRMAN HALE: Do you want to exclude
13 all the witnesses under subpoena other than those
14 testifying?

15 MR. DONALDSON: Yes, sir.

16 MR. CANALES: Mr. Chairman, may I make an
17 inquiry at this time?

18 CHAIRMAN HALE: Yes, sir.

19 MR. CANALES: Would I be permitted— I am
20 not counsel in this case; it's not a trial, so to speak,
21 but would I be permitted to consult with the witnesses,
22 if the Rule is invoked at this time, or should I inquire
23 of Mr. Johnson? I am not actually in a legal capacity
24 here. I know in Court I would be permitted to discuss
25 the matters pending with the witnesses, but as I am not

1 acting as legal counsel for Plaintiff or Defendant, I
2 would assume that possibly I am not included.

3 CHAIRMAN HALE: Of course, Mr. Canales,
4 the Chair is reluctant to state that this is a Plaintiff
5 and Defendant situation. We are not trying anybody here.
6 This is not a trial, as the Chair has consistently
7 emphasized. It's an inquiry in the nature of a Grand
8 Jury activity. Although contrary to the Grand Jury
9 deliberations, we are doing it openly, so that Judge
10 Carrillo and counsel can hear what's going on, which is
11 a privilege they wouldn't have if it were a Grand Jury
12 deliberating on this matter. I honestly don't know how
13 the Rule would apply, if we invoke the Rule on it with
14 respect to people talking to these witnesses.

15 The Chair would welcome advice.

16 Mr. Johnson, do you have any?

17 MR. JOHNSON: You could exclude them from
18 the Chamber at this time.

19 CHAIRMAN HALE: It occurs to me that
20 probably the only limit we would want to put on them would
21 be to exclude them from the room during the testimony,
22 rather than trying to prevent them from talking to
23 anyone.

24 MR. CANALES: Mr. Chairman, I believe Mr.
25 Donaldson, if he is the one who presented the motion, is

1 concerned with the possibility of the witnesses hearing
2 each other's testimony and using it in testifying later
3 to make the testimonies coincide. I believe he is con-
4 cerned with the possibility of discrepancies which might
5 possibly arise, if the Rule is invoked, if I am not
6 mistaken.

7 MR. DONALDSON: And conversely, in
8 subsequent testimony, a lack of discrepancies would
9 certainly indicate a high degree of credibility, which
10 is to say what you said a minute ago.

11 CHAIRMAN HALE: Is there any witness, Mr.
12 Donaldson, that you care to exclude, other than his
13 brother?

14 MR. DONALDSON: As a matter of simplicity,
15 I would make my motion in this form: That those witnesses
16 who are under subpoena to this Committee and are present
17 tonight that have not yet testified be excused from the
18 room, pending the balance of the proceedings, until we
19 call them to testify. And I might, at that point also,
20 want to say that he would be excused from that, after he
21 has given his testimony. We will cross that bridge when
22 we get to it.

23 CHAIRMAN HALE: How many are in the room
24 here tonight under subpoena to the Committee? Let's see
25 how many there are. These two and this gentleman and

1 Mr. Foster here.

2 MR. CANALES: I believe Mr. Canales over
3 here has already testified and is here not at the request
4 of the Committee, but is just here for his own personal
5 benefit.

6 CHAIRMAN HALE: Well, of course, Mr. and
7 Mrs. Yzaguirre are still sitting here.

8 MR. DONALDSON: My motion, Mr. Chairman,
9 if you accept it, is to ask those under subpoena that have
10 not yet testified before the Committee, that they wait
11 outside until we hear the balance of the testimony.
12 We will instruct them further as we go along.

13 MR. CANALES: Mr. Donaldson, would you re-
14 quest that they also be instructed not to discuss the
15 case among themselves?

16 MR. DONALDSON: I certainly would.

17 MR. HENDRIGKS: Whatever you all do, let's
18 get on with it.

19 CHAIRMAN HALE: Mr. Donaldson has moved
20 that the Rule be invoked with respect to all witnesses
21 who are under subpoena to the Committee who have not yet
22 testified, to the extent that those witnesses be asked
23 to leave the room and wait outside, pending time for them
24 to testify and that during such interval, they be in-
25 structed not to discuss their testimony with each other.

1 Would that be the substance of your motion?

2 Is there any discussion on the motion?

3 MR. MALONEY: Before the witnesses leave,
4 I think the Chair needs to swear them in.

5 CHAIRMAN HALE: Yes. You all wait just a
6 minute, those of you who are fixing to leave the room.
7 Don't leave the room yet.

8 Is there any discussion on the motion?

9 (The motion, being put to a vote, was carried.)

10 CHAIRMAN HALE: The "Ayes" have it and the
11 motion prevails.

12 Let's see, those of you, that would be Mr.
13 José Nicholes— Is that you? And Mr. Roberto Elizondo,
14 Mr. Marvin Foster.

15 MR. CANALES: Was the motion only to those
16 who are under subpoena by the Committee or—

17 MR. HENDRICKS: Yes.

18 MR. CANALES: Some of them are under
19 subpoena to me; not from the Committee, personally.

20 CHAIRMAN HALE: You do not have authority
21 to issue subpoenas in this matter, Mr. Canales. All
22 the subpoenas are issued by the Committee.

23 The Chair will instruct those of you to whom
24 this applies, Mr. José Nicholes and Mr. Roberto Elizondo
25 and Mr. Marvin Foster, if you all would please have a

1 seat outside and await the call of the Sergeant-at-Arms.
2 During this time, you will not discuss your testimony
3 with each other.

4 Do you understand? Thank you very much.

5 (The witnesses left.)

6 CHAIRMAN HALE: Proceed, Mr. Maloney.

7 BY MR. MALONEY

8 Q Are you in any type of partnership, Mr. Elizondo,
9 with your brother, Roberto?

10 A No, sir.

11 Q Do you have your own cattle then, I take it?

12 A Right.

13 Q And they are different from your brother's?

14 A Right.

15 Q Do you buy and sell your own cattle?

16 A Right.

17 Q And you have been doing this since some time
18 in the 1960's. Is that correct?

19 A Right.

20 Q You buy and sell them under your own name?

21 A Right.

22 Q Where do you bank?

23 A Hebbroville and in Alice.

24 Q Hebbroville?

25 A And in Alice and Rio Grande City.

1 Q I'm sorry. I just don't understand. Are
2 those different banks or is that one bank?

3 A No. Those are different banks.

4 Q One in Hebronville? What bank is that?

5 A That is the First National Bank.

6 Q The First National Bank of Hebronville?

7 A Right.

8 Q Which one in Rio Grande?

9 A I just go into that one. I don't remember
10 the name. The first State Bank, I think.

11 Q The First State Bank, Rio Grande?

12 A Right.

13 Q Then did you have another one?

14 A It is in Alice.

15 Q In Alice? What is the bank in Alice?

16 A The First National Bank.

17 Q The First National Bank in Alice.

18 A Bank of the Southwest.

19 Q Do you go to Court at all times that the
20 Judge is going to Court?

21 A Yes, sir.

22 Q So you are not on the ranch at any time that
23 the Judge is at the Courthouse?

24 A No, sir.

25 Q The only time that you are at the ranch is when

1 the Judge is there?

2 A Yes. The majority of times.

3 Q Does your brother work on the ranch, too?

4 A When he has time. Yes.

5 Q I believe he, you say, is the interpreter for
6 the Judge?

7 A No.

8 Q He is the Court Reporter?

9 A He is a Court Reporter.

10 Q He is the Court Reporter for the Judge.

11 A Right.

12 Q Has he been the Court Reporter for the Judge
13 since the Judge has been on the bench?

14 A No, sir.

15 Q When did he become the Court Reporter for the
16 Judge?

17 A I think a year ago.

18 Q What did he do before that?

19 A He went to Court Reporting School.

20 Q He was going to Court Reporting School and where
21 was that?

22 A I believe in Houston.

23 Q In Houston?

24 A Yes.

25 Q Do you recall the name of the Court Reporting

1 School?

2 A No, sir.

3 Q When he was going to Court Reporting School
4 in Houston, did he live in Houston?

5 A Well, I remember he came on the weekends.

6 Q He came in on weekends?

7 A Right.

8 Q Did he ever work for the County during the time
9 that he was in Court Reporting School?

10 A I don't remember.

11 Q You don't remember or you don't know?

12 A I don't know.

13 Q Would it be possible that he did work for the
14 County and you didn't know about it?

15 A Could be.

16 Q Who worked his cows at that time?

17 A I did.

18 Q You worked his cows?

19 A (The witness nodded.)

20 Q Did you ever work the Judge's cows?

21 A Right. Yes.

22 Q Do you ever build anything on the Judge's
23 ranch for him?

24 A Like what, do you mean?

25 Q Like anything?

1 A Whenever we have an open gate or something like
2 that, I fix it up, or windmill.

3 Q Do you ever operate any of the equipment on the
4 ranch, any of the heavy equipment?

5 A No. No, sir.

6 Q Is there any heavy equipment on the ranch?

7 A Yes, sir. He's got two bulldozers.

8 Q Any other equipment?

9 A No.

10 Q Is there any other equipment on the ranch that
11 does not belong to the Judge?

12 A No, sir.

13 Q Would two bulldozers belong to the Judge?

14 A As far as I understand. Yes.

15 MR. MALONEY: That's all I have. Thank you.

16 BY MR. SLACK

17 Q You said you and your brother have approximately
18 a hundred head of cattle together? Is that what you said?
19 Did you testify to that fact earlier, or is that—

20 A Yes.

21 Q Do you own them jointly or do each of you own
22 your own?

23 A Oh, no. He's got his and I've got mine.

24 Q What is your Brand?

25 A Do you want me to write it down? It is just a

1 "T" and an "E."

2 Q Your initials, "T E." Is that what it is?

3 A Yes, sir.

4 Q Is that Brand registered in Duval County?

5 A Yes, sir.

6 Q How many head of cattle do you have registered
7 under that Brand?

8 A About half of them.

9 Q About fifty?

10 A Yes, sir.

11 Q Are they in Duval County?

12 A Some of them in Duval County; some in Starr
13 County.

14 Q Do you render them for taxes?

15 A Sir?

16 Q Do you render them to the County Tax Assessor
17 for taxes?

18 A Yes.

19 MR. SLACK: Thank you, sir.

20 CHAIRMAN HALE: Mr. Hendricks?

21 BY MR. HENDRICKS

22 Q Mr. Elizondo, how many other Bailiffs are there?

23 A I believe two new ones.

24 Q How many?

25 A Two more.

1 Q Two more. In other words, this Court has
2 three Bailiffs?

3 A These two just came in, I think, two months
4 ago, or three months ago.

5 Q Have you personally ever seen County equipment
6 being used on Judge Carrillo's ranch?

7 A No, sir. I have seen it parked by the ranch.

8 Q What do you mean, "parked by the ranch."

9 A I have seen Texas Highway Department equipment
10 parked on the ranch.

11 Q Have you ever seen County equipment, Precinct
12 3 equipment parked there?

13 A Yes. Sometimes they park it there.

14 Q Have you ever seen it on the ranch—

15 A Yes.

16 Q —being used on the ranch?

17 A No.

18 Q You have never seen it being used on the ranch?

19 A No.

20 Q Your brother is Roberto?

21 A Right.

22 Q When did he go to this school? What year?

23 A Well, he came in this last year.

24 Q How long did it take him to finish Court Reporting
25 School?

1 A I don't remember, sir.

2 Q What years did he attend school?

3 A It must have been whatever it takes to finish
4 that school.

5 Q What years? '71, '72, '73?

6 A Well, it is '75 now. If he came in last year,
7 that is '74. I would say '73.

8 Q He was there in '73, in that school?

9 A Yes, sir.

10 Q How long did it take to finish the school? Do
11 you know?

12 A I don't know.

13 Q Was he on the County payroll when he was in
14 school?

15 A I don't know, sir.

16 Q Well, I show checks and warrants, county warrants
17 made out to him on Precinct 3 from January the 8th, 1973,
18 each month, through October of '73 in the amount of
19 \$225.

20 A I don't know about that.

21 Q You don't know anything about that?

22 A No, sir.

23 Q You don't think maybe he could have been drawing
24 County money and going to school, do you?

25 A Well, if you say so, it might be.

1 Q You have never discussed this with him?

2 A No, sir.

3 Q Well, what do you think about it? Do you think
4 he has or not?

5 A I don't know.

6 Q Do you know Cleofas Gonzalez?

7 A Yes, sir. He is related to me.

8 Q What relation is he to you?

9 A He is my first cousin.

10 Q What?

11 A A first cousin.

12 Q A first cousin. You are pretty well acquainted
13 then, aren't you?

14 A Well, yes. Could be.

15 Q Where does Cleofas work right now?

16 A Well, I think at the Implement Store, in
17 Benavides.

18 Q Where?

19 A At the Implement Store in Benavides.

20 Q He works at the Implement Store?

21 A I have seen him there from day to day.

22 Q All right. Mr. Elizondo, did you know Cleofas
23 when he worked at the Farm and Ranch Store?

24 A Yes, sir.

25 Q And he worked there every day?

A Yes, sir.

1 Q Do you know who owns Farm and Ranch Store?

2 A Well, I understand it belongs to O. P. and
3 Ramiro.

4 Q It belongs to Judge Carrillo and his brother?

5 A Right.

6 Q Did he operate this business for them?

7 A As far as I can tell. Yes.

8 Q Who paid him while he was working there?

9 A I don't know.

10 Q If he was drawing County funds and working
11 there at their Farm and Ranch Store, then he was receiving
12 money somewhat a little bit illegally, wouldn't he be, if
13 he did private work at a Farm and Ranch Store and received
14 County funds?

15 A I don't know if he did or not.

16 Q Well, it's a matter of record, isn't it, that he
17 was paid every month, from Precinct 3 in Duval County,
18 Commissioner of Precinct 3.

19 Have you ever done business with the Farm and
20 Ranch Store?

21 A No, sir.

22 Q You never have?

23 A No.

24 Q Are you familiar with the Zertuche General
25 Store?

1 A Yes. I remember when it opened.

2 Q Do you remember when it closed?

3 A No, sir. I believe—

4 Q How long did it stay open?

5 A Well, I remember that it opened.

6 Q If you remember when it opened, when did it
7 open?

8 A Some time in '65, I believe.

9 Q Some time in '65. How many years did it operate?

10 A Well, I would say— I don't know the length of
11 time it operated.

12 Q Well, you remember it opened in '65. Surely you
13 remember how long it operated, if you can remember that
14 far back. That is ten years ago.

15 A Well—

16 Q Five years?

17 A Let's see, a year or two years.

18 Q It operated a year or two?

19 A Correct.

20 Q Did you ever—when you worked for the County—
21 pick up County equipment at the Farm and Ranch Store that
22 the County had bought?

23 A How is that again?

24 Q Have you ever picked up equipment that the
25 County bought through the Farm and Ranch Store?

1 A Equipment? What do you mean "equipment"?

2 Q County; that the County purchased, any kind of
3 equipment, or supplies or anything of that nature.

4 A No, sir. No, sir.

5 Q How many hands work on this ranch of Judge
6 Carrillo's?

7 A Well, do you mean daily?

8 Q How many hands work out there right now?

9 A Just one.

10 Q Who is that?

11 A That is Pat Garza. Patricio Garza.

12 Q Patrick Garza?

13 A Right.

14 Q Who is Patrick Garza? Is he the ranch foreman,
15 or what?

16 A No, sir. He's an old man. He just keeps an
17 eye on the ranch. Whenever the Judge wants to do some
18 work on his ranch, he'll hire some other people on week-
19 ends to go work out there.

20 Q Can you use a backhoe?

21 A Yes, sir.

22 Q Have you ever used one?

23 A Yes, sir.

24 Q Have you ever used one on Judge Carrillo's
25 ranch?

1 A Yes, sir.

2 Q Does that backhoe belong to the Water District
3 down there?

4 A Yes, sir.

5 Q Is the Water District in the habit of loaning
6 out their equipment?

7 A Well, they do this up there whenever somebody
8 is in a tight spot and you go ask them for some equipment,
9 they lend it to you.

10 Q You operated a backhoe on Judge Carrillo's
11 ranch and this backhoe was the property of the Duval
12 County Conservation and Reclamation District. Is that
13 correct?

14 A Right.

15 Q When did you do this?

16 A A year ago, I guess.

17 Q A year ago? O. P. Carrillo was Judge of the
18 District Court down there at this time. Is that correct?

19 A Right. Correct.

20 Q Who gave you the orders to pick up the backhoe
21 and take it out to the ranch?

22 A Can I explain how that happened?

23 Q Well, just tell me who told you to take it out
24 there and do the work?

25 A He did.

Q The Judge?

1 A Yes.

2 Q That is what I wanted to know.

3 Do you know Ruben Chapa?

4 A Yes, sir.

5 Q Do you know Arturo Zertuche?

6 A Yes, sir.

7 Q Who is Arturo Zertuche?

8 A He's a nephew to O. P.; to the Judge.

9 Q He's O. P.'s nephew?

10 A Right.

11 Q How old a person is he?

12 A He's about 25 or 26.

13 Q 23 to 25?

14 A 26, 25, somewhere around that.

15 Q What?

16 A 25 or 26.

17 Q I don't know whether I am hard of hearing. I
18 just don't hear too well; I'm sorry I have to ask you to
19 repeat. He is 25 or 26. Is that correct?

20 A Right.

21 Q Did Arturo Zertuche, to your knowledge, ever
22 have any connection with the Zertuche General Store?

23 A Yes.

24 Q When did he have a connection with the Zertuche
25 General Store?

1 A I believe he opened the store.

2 Q He opened the store in '65. That would make hi
3 15 or 16, at that time. Is that correct?

4 A Yes.

5 Q Kind of young to be going into that kind of
6 business, isn't it?

7 A (No response.)

8 Q Did he ever attend North Texas State University?

9 A How is that?

10 Q Did he ever go to North Texas State University?

11 A I think so.

12 Q He did go?

13 A (The witness nodded.)

14 Q Do you remember when he went?

15 A No.

16 Q Do you remember what year he went?

17 A No, sir.

18 Q Well, was he there in 1970?

19 A Where?

20 Q At North Texas State University?

21 A (No response.)

22 Q That would make him about 19 or 20 years old;
23 something like that, about the age a boy would be in
24 college?

25 A He might be. He might be. I don't know.

1 Q Did he go directly to college from high school?

2 A I don't recall.

3 Q Well, was he there in 1970, in school?

4 A In school?

5 Q In school, at North Texas, over at Denton,
6 Texas.

7 A He might have been.

8 Q He might have been. Was he there in '71?

9 A I don't know. I can't tell you.

10 Q Did he graduate?

11 A I believe so. Yes.

12 Q Well, he had to be there some time around these
13 years to graduate. How do you account for the fact that
14 he was on the County payroll all through 1970 up into
15 1971?

16 A I don't know.

17 Q You mean you think he might have been attending
18 school and drawing County money, too?

19 A I don't know.

20 Q I would like to have the Sergeant show you a
21 picture here.

22 Do you recognize that picture?

23 A Yes, sir.

24 Q What is it?

25 A It's a building the Judge built out there at his

1 ranch.

2 Q Did you do any work on that building?

3 A That is where I used the backhoe.

4 Q That's where you used the backhoe. Did you ever
5 mix any cement out there?

6 A Yes, sir.

7 Q Where did the cement come from?

8 A I believe the Judge bought it.

9 Q The Judge bought it. But you used the backhoe
10 there?

11 A Right.

12 Q And that is a building on the Judge's ranch?

13 A Right.

14 Q Does Patrick Garza live out at the ranch all
15 the time?

16 A No, sir. He lives in town.

17 Q He lives in town?

18 A Right.

19 Q Does he work any other place?

20 A Sometimes. Yes.

21 Q Sometimes he does. All right. Do you and your
22 brother both eat out at the ranch all the time?

23 A When we go out there. Yes.

24 Q Does Patrick Garza eat out there?

25 A Yes, sir.

1 Q How many people does Judge feed out there, every-
2 day?

3 A Not every day.

4 Q How many people does he feed normally in the
5 course of a day, or a week? Let's put it at a week.

6 A Well, there are some weekends, he'll take about
7 fifteen or twenty people out there.

8 Q He will take 15 or 20 people.

9 A Whenever there is a roundup, or something like
10 that, or some work.

11 Q And you and your brother and who else charges
12 groceries to the Judge?

13 A That I know?

14 Q Patrick Garza, doesn't he, yes, that you know of?

15 A Just us three.

16 Q Three of you?

17 A Yes, sir.

18 Q Did you know the County was paying for \$300 a
19 month for this grocery bill?

20 A No, sir.

21 Q Tonight's the first time you have ever heard of
22 that?

23 A Yes, sir.

24 Q Have you ever used these grocery chips to get
25 groceries down there?

1 A How's that?

2 Q Have you ever used these little slips to take
3 them down to the grocery store and get—

4 A The ones that showed up here?

5 Q Yes.

6 A No, sir.

7 Q You have never used anything like that.

8 A I had never seen them until tonight, a while
9 ago.

10 Q Have you ever seen Arturo Zertuche in the
11 Zertuche General Store?

12 A They had a lady there who operated the store.

13 Q I beg your pardon?

14 A They had a lady there who operated the store.

15 Q When was this?

16 A Around '65.

17 Q Around '65?

18 A Yes.

19 Q I am talking about up in '71 and '70?

20 A No, sir.

21 Q Was there anybody operating that store then?

22 A No, sir.

23 Q Is the store in existence today?

24 A Not that I know of.

25 Q Was it in existence in 1970?

1 A No.

2 Q Where is the Zertuche General Store?

3 A Well, it used to be there in Benavides.

4 Q Well, where did it used to be in Benavides?

5 A Next to the old bank.

6 Q Where is the old bank?

7 A How can I tell you? You don't know Benavides.

8 Q Is there a street there? a main street?

9 A They don't have any names on the street.

10 Q Is it on the main street?

11 A Well, yes.

12 Q Well, is it south, east, north, west of the
13 bank? one door south, east—

14 A West of the bank. West of the bank.

15 Q Was it one building west of the bank?

16 A Well, it's a building next to the bank.

17 Q The building immediately west of the bank?

18 A Right. Yes.

19 Q In Benavides?

20 A Right. Yes.

21 Q Well, I thought there was a lady who testified
22 a minute ago that there wasn't a bank in Benavides.

23 When did you all get a bank there?

24 A Well, the building is there. It's not operating.

25 Q Oh, it's not operating?

1 A Right.

2 MR. HENDRICKS: I believe that's all the
3 questions I have, Mr. Chairman.

4 CHAIRMAN HALE: Mr. Nabers?

5 BY MR. NABERS

6 Q Have you ever served on the Jury Commission or
7 on the Grand Jury?

8 A Yes, sir.

9 Q When?

10 A About two years ago or three years ago.

11 Q While you were Bailiff?

12 A Yes.

13 Q Was this on the Jury Commission or on the
14 Grand Jury?

15 A Grand Jury.

16 Q Have you ever served as Jury Commissioner?

17 A Right.

18 Q When was this?

19 A I believe '71.

20 Q While you were Bailiff?

21 A Right.

22 Q What was that date? Would you speak up just a
23 little?

24 A '71.

25 Q Who appointed you?

1 A The Judge. You mean on the Jury Commission.
2 Right?

3 Q Yes. He appointed you on the Jury Commission.
4 Is that correct? in '71?

5 A I believe so. Right.

6 Q Then later the Jury Commission put you on the
7 Grand Jury? Is that correct?

8 A Yes.

9 Q But at the same time, you weren't on the Jury
10 Commission and a Grand Juror at the same time, were you?

11 A No. Oh, no, sir.

12 Q I believe you stated that you kind of keep an
13 eye on the place for the Judge. Is that correct?

14 A Yes.

15 Q And also as part of your duties, you buy
16 groceries for the Judge. Is that correct?

17 A Whenever he sends me up there. Yes.

18 Q When do you do this? During the week at different
19 times?

20 A Mostly on weekends.

21 Q Mostly on weekends?

22 A Right.

23 Q But you do sometimes during the week?

24 A Yes.

25 Q Have you ever seen a bulldozer on the ranch?

 A Carrillo's ranch?

1 Q Yes.

2 A Yes. He's got two of them.

3 Q Sir?

4 A Two of them.

5 Q He has two of them?

6 A Right.

7 Q Does he own them personally?

8 A To my knowledge he does.

9 Q You don't know whether or not they might belong
10 to the County?

11 A No, they don't.

12 Q When did he get the bulldozers?

13 A In '70, or I believe '73.

14 Q In '73?

15 A Yes, sir.

16 Q What kind are they?

17 A They are caterpillars.

18 Q Caterpillars?

19 A Right.

20 Q What, D-7's or D-8's, or D-9's?

21 A D-8's.

22 Q Two D-8's?

23 A Right.

24 Q And he got both of them in '73?

25 A Right.

1 Q All right, sir.

2 A Somewhere around there, '73 or '74. I don't
3 know.

4 Q Do you know who he bought them from?

5 A I believe from Plains Machinery—

6 Q Plains Machinery?

7 A Right.

8 Q Who operates those bulldozers?

9 A He's got—well, he's got— He has had three
10 different operators.

11 Q Sir?

12 A He has had three different operators.

13 Q Who are they?

14 A Do you want their names?

15 Q Yes, sir.

16 A Abel Ruiz.

17 Q Who?

18 A Abel Ruiz.

19 Q All right.

20 A And Fidel Saenz.

21 Q Who?

22 A Fidel Saenz.

23 Q All right.

24 A And Arnaldo Barron, I believe.

25 Excuse me. That's Arnaldo Alambres, instead of

1 Barrona.

2 Q Do you know Mr. Ruiz?

3 A Yes.

4 Q Did he ever operate this equipment out there?

5 A Yes.

6 Q And that's one of the guys that you say that
7 operates equipment?

8 A Well, he used to.

9 Q All right.

10 A He's not any more.

11 Q Do you know whether or not he was working for
12 the County? Does he work for the County also?

13 A No. Not that I know.

14 Q Has Mr. Oscar Sanchez worked out there?

15 A At the ranch?

16 Q Yes.

17 A Oscar who?

18 Q I believe it's—

19 MR. CANALES: Sanchez.

20 Q — Sanchez.

21 A Not that I remember.

22 Q Has he ever repaired any of the bulldozers out
23 there?

24 A No, sir.

25 Q Have you ever seen him on the ranch?

A No, sir.

1 Q Have you ever seen Ruben Chaps on the ranch?

2 A No, sir. He used to go with us to the ranch.

3 Q Was he out there in November of '73 with the
4 backhoe whenever it was taken out there to do the work
5 on the building?

6 A I don't recall.

7 Q Did you say Francisco Ruiz or what Ruiz works
8 out there, or has worked for the Judge as a bulldozer
9 operator?

10 A That is Abel Ruiz.

11 Q Thank you.

12 Was the backhoe out there in November of 1973?

13 A Yes, sir. I took it out there.

14 Q What about a hole digger that digs post holes?
15 Have you ever seen that out there?

16 A He's got one.

17 Q Was it digging holes out there?

18 A Yes.

19 Q Did it belong to the County?

20 A No. It's his own. He's got one of those
21 regular tractor deals. He's got it on his own tractor.

22 Q What all equipment does the Judge own?

23 A He's got two farm tractors.

24 Q All right.

25 A He's got an air compressor. He's got two

1 bulldozers, a road plow—two road plows. And he's got
2 pickups, gooseneck trailers. That's all.

3 Q Is that all of the equipment that you can
4 think of?

5 A Yes.

6 Q Does he have any maintainers or road graders?

7 A No, sir.

8 Q Have you ever seen any of the road graders
9 out there?

10 A Sometimes. Yes.

11 Q Do these belong to the County?

12 A Right.

13 Q They have done work out there?

14 A Right. They usually do when you ask them to.
15 They will go out there and help you out.

16 Q Okay. What about combines?

17 A No, sir.

18 Q No combines?

19 A No, sir.

20 Q What about grain trucks?

21 A He's got one truck that he carries the feed
22 on for the cows.

23 Q Does he have any small grains that he harvests?

24 A No, sir.

25 Q He doesn't have any grain?

1 A No, sir. Not this year.

2 Q What?

3 A Not this year.

4 Q Had he had any grain in the past?

5 A Not for the past three years, or four years.

6 Q Has he had any County dump trucks out there?

7 A Not that I recall.

8 Q Does he own any dump trucks?

9 A No, sir. I don't think so.

10 Q Does he own any kind of trucks other than a
11 pickup?

12 A Well, yes. He's got one now that—the water
13 truck that he is using up there in Roma.

14 Q A water truck?

15 A Right. It's a truck-tractor.

16 Q When did he get the water truck?

17 A About two months ago, or a month ago.

18 Q Who owns the Farm and Ranch Store?

19 A Well, to my understanding, O. P., I mean the
20 Judge, and Ramiro Carrillo.

21 Q Do you know who owns Zertuche?

22 A No, sir.

23 MR. HEBERS: Would you hand those to him?

24 Mr. Reporter, would you mark that please, sir?

25 CHAIRMAN HALE: Let's see those just a second.

1 counsel. We probably need to get these photocopied.

2 Mark them as an exhibit first and then we will
3 get them copied.

4 (The document referred to was
5 marked "Exhibit-28" for
6 identification.)

7 Q Do you receive any money from any other source
8 other than the County and from the sale of your live-
9 stock?

10 A No, sir.

11 Q Do you have any land of your own?

12 A No, sir.

13 Q Could you tell me about your cow operation, or
14 is this a cow-calf operation, or just calves, or what
15 kind?

16 A Cow-calf.

17 Q A cow-calf operation.

18 A (The witness nodded.)

19 Q And you have approximately 50 head at this time
20 on the Judge's place?

21 A More or less. Yes, sir.

22 Q Are these livestock intermingled with his
23 livestock?

24 A Yes, sir.

25 Q Are the calves intermingled also?

A Yes, sir.

1 Q How many acres to the head does this ranch run,
2 would you say?

3 A Well, right now, we are having a drought out
4 there. I would say 20 to 25 acres.

5 Q To one cow?

6 A Yes, sir.

7 Q So if you had 50 cows and you took one to 25
8 acres, that would be about 1,250 acres it would take to
9 run your 50 cows. Is that correct? If my math is right.
10 Fifty times twenty-five. Is that correct?

11 A Yes, sir.

12 Q What would an average lease in Duval County
13 bring per year?

14 A I would say around three dollars to five
15 dollars.

16 Q Three dollars an acre?

17 A To five dollars.

18 Q Three to five dollars?

19 A Yes.

20 Q That would be about \$6,250, or I mean about
21 \$6,250 if you multiplied that by 1,250 acres?

22 A Twelve times five. Yes.

23 Q So you would receive this benefit as a result
24 of running your livestock on the place?

25 A Correct. Yes.

1 Q And in exchange for that, you look over the
2 Judge's cattle?

3 A That's correct.

4 Q And work on the ranch?

5 A Whenever I am out there.

6 Q And work his cows?

7 A Yes, sir.

8 Q Does the Judge ever tell you to move these
9 cows over to the south pasture or over to some other
10 pasture and that sort of thing?

11 A Yes, sir. He is his own foreman. He does his
12 own thing. Yes.

13 Q Does the Judge let anybody else run any cows
14 out there on his property?

15 A No.

16 Q Besides you and your brother?

17 A No, sir.

18 Q Could you tell me how many hours approximately
19 that that backhoe was used out there on the Judge's
20 place?

21 A Well, I would say four or five hours.

22 Q Where do you buy your groceries?

23 A At the Alice Kroger's.

24 Q In Alice?

25 A At Krogers or Gibsons. Yes.

Q Do you live in Benavides?

1 A Yes, sir.

2 Q How long have you known the Judge?

3 A I would say ten years.

4 Q How many livestock does the Judge have?

5 A I believe it's around 500 to 600, somewhere.

6 Q Sir?

7 A 500 to 600.

8 Q Does he have any other livestock out there?

9 A What do you mean?

10 Q Is there any other livestock out there than the
11 cows at the Judge's?

12 A No.

13 Q In other words, do you have any sheep or goats?

14 A Oh, we've got some horses.

15 Q Horses. I've got some horses. How many horses
16 do you have out there?

17 A About four.

18 Q How many?

19 A Four.

20 Q Does the Judge have some horses?

21 A Right.

22 Q Do you use these horses in the ranch operation?

23 A Right.

24 Q Do you have to pay anything for them to be kept
25 out there?

1 A No, sir.

2 Q Do you have a family?

3 A Yes, sir.

4 Q How many are in your family?

5 A I've got two boys and one girl.

6 Q Do you know, does Judge Carrillo run all of his
7 livestock on his land there?

8 A Yes, sir.

9 Q Does he have any other leases?

10 A He's got a lease up there in Roma.

11 Q In Roma?

12 A Right.

13 Q Whose land is that?

14 A I don't know.

15 Q Do you know Mr. Manges?

16 A I believe it belongs to Mr. Manges.

17 Q Do you know if he pays any lease money for
18 that ranch?

19 A I believe so.

20 Q Do you know how much?

21 A Well, no.

22 Q Or how many dollars per acre that he pays for
23 that lease?

24 A I don't know.

25 Q Have you ever worked on that lease? and looked

1 at the Judge's cows up there?

2 A Yes. I've got some up there, too.

3 Q You've got some cows up there, too?

4 A Yes. Right.

5 Q How many cows do you have up there?

6 A I would say the majority are up there.

7 Q Sir?

8 A The majority are up there.

9 Q The majority of the 50 are up there?

10 A Right.

11 Q But you don't have any more than the 50 total?

12 A Right.

13 Q But they are spread around between the Judge's
14 place and Mr. Manges's?

15 A Right. Correct.

16 Q Do you know what kind of automobile the Judge
17 drives?

18 A A Cadillac.

19 Q Okay. What model?

20 A He's got a '75.

21 Q Sir?

22 A A '75.

23 Q A '75. What kind of a car did he have before
24 that?

25 A He had another Cadillac.

1 Q What model was it?

2 A A '74.

3 Q A '74?

4 What kind of a car did he have before that?

5 A He had two '74's and now he has a '74 and a '75.

6 Q Did he have a '73 Cadillac?

7 A I believe so. Yes. He has had Cadillacs ever
8 since I have known him.

9 Q Sir?

10 A He has had Cadillacs ever since I've known him.

11 Q Do you know if the Judge has any other property
12 or any other leases, other than this property that you have
13 told me about or the lease down at Roma?

14 A No, sir.

15 Q Does he have any property on Falcon Lake?

16 A Sir?

17 Q Lake Falcon?

18 A No, sir.

19 Q Do you know if Mr. Manges has any property on
20 Lake Falcon?

21 A No, sir.

22 CHAIRMAN HALE: Mr. Kaster?

23 BY MR. KASTER

24 Q Mr. Elizondo, what years were you in the Army?

25 A '69 to '70, I believe.

1 Q '69 to '70?

2 A '68 to '70.

3 Q '68 to '70?

4 A Right

5 Q Did you work for the County before you went
6 into the Army?

7 A Yes, sir.

8 Q Did you work for it after you came out of the
9 Army?

10 A Yes, sir. Right before I—

11 Q How long did you work for it before you went
12 into the Army? for the County.

13 A Let's see, about two or three years.

14 Q Two or three what?

15 A Years.

16 Q Years. What were your duties with the County
17 when you worked for the County?

18 A I started out as a water well driller.

19 Q When you came back out of the Army, you still
20 worked for the County before you went to work as a
21 Sheriff. Is that right?

22 A Right. Yes.

23 Q How long did you work for the County after you
24 came out of the Army?

25 A Well, I came back in '70. I came back in June

1 of '70, and I believe I started working in two or three
2 months later.

3 Q For the Judge?

4 A No, on the County.

5 Q For the County.

6 A Yes.

7 Q And you worked there until you became a Bailiff?

8 A Right.

9 Q When was that?

10 A In '71.

11 Q Did you ever work out at the ranch, the Judge's
12 ranch, while you were being paid by the County?

13 A You mean before I became a Bailiff, or what?

14 Q During the week.

15 A Not during the week. On the weekend.

16 Q Before you became a Bailiff, while you were
17 working for the County.

18 A On the weekends. Yes.

19 Q I am not talking about weekends. I am talking
20 about during the week.

21 A No.

22 Q You never went to the ranch during the week?

23 A After work, I did. Yes. In the evenings.

24 Q You never went to the Judge's place while you
25 were on duty, being paid by the County during the week?

1 A No, sir.

2 Q This grazing lease that you have that Mr.
3 Nabers figured up is worth about \$6,000 if you figure the
4 amount of acres that is taken per head of cattle.

5 A Oh, yes.

6 Q That would be the top figure. The low figure
7 would be at three dollars an acre, so it would be some-
8 where in there. Do you report that on your income tax
9 every year?

10 A No, sir.

11 Q You don't?

12 A No.

13 Q You say you have rendered your cattle for
14 taxes. In what county have you rendered your cattle for
15 taxes? Is it in Starr or Duval?

16 A Duval.

17 Q Where?

18 A Duval.

19 Q In Duval?

20 A Yes.

21 Q How much were your taxes on your cattle last
22 year?

23 A I don't remember.

24 Q Did you pay any?

25 A I didn't pay them last year. No.

1 Q You didn't pay any taxes on the cattle that you
2 rendered?

3 A (No response.)

4 Q Okay. Did you say that Mr. Patricio Garza,
5 you don't know if he has any cows out there either?

6 A No, he don't.

7 Q He doesn't?

8 A No.

9 Q Where does he work?

10 A There at the ranch.

11 Q At the ranch?

12 A Yes, sir.

13 Q How long has he worked there at the ranch?

14 A Ever since I have known him.

15 Q Ever since you have known him.

16 A I mean ever since I have been there at the
17 ranch.

18 Q During the week, I mean, he works there all the
19 time, as far as you know?

20 A He keeps an eye on the ranch.

21 Q You don't know who he is paid by? You've never
22 talked with him?

23 A I have seen the Judge paying him.

24 Q The Judge pays him?

25 A Yes.

1 Q Okay. You testified earlier to somebody here
2 about the backhoe that in 1973 that you were using to
3 make cement for the foundation. That belonged to the
4 Water District that you took out there?

5 A (The witness nodded.)

6 Q How did you get it out there? Did you drive
7 it, or how did it get out there?

8 A We loaded it on a trailer and took it out there.

9 Q And then you pulled the trailer with a truck?

10 A Yes.

11 Q Who owned the truck and trailer that you pulled
12 it on?

13 A It belonged to the Judge.

14 Q It belonged to the Judge?

15 A Right.

16 Q Did it have his markings on there?

17 A What do you mean "markings"?

18 Q It wasn't county equipment. It was the Judge's?

19 A No, sir. No.

20 Q Have you ever hauled the water from Roma, Texas
21 out to the—

22 A Well, I have been with the man. Yes.

23 Q I beg your pardon?

24 A I have been with the man on one or two trips.

25 Q On some trips that hauled water for the ranch

1 where you have your cows over at Roma?

2 A Yes.

3 Q Is that right?

4 A Yes.

5 Q Did you say you knew or did not know Mr.

6 Euodocio Garcia?

7 A No, sir. I don't recall him.

8 Q You don't know him?

9 A No.

10 Q As far as you know, do you know who he is?

11 A Probably if I see him.

12 Q Have you ever talked to him?

13 A I might have. Yes.

14 Q Who introduced you?

15 A I don't remember. I would have to see the
16 man to see who he is.

17 Q Did you ever haul water that you got and did you
18 have to pay for the water you got, or how did you get the
19 water?

20 A No, sir. The only time I went out there was
21 with the other man that carries the water, that hauls
22 the water.

23 Q Who was that?

24 A Pilon.

25 Q Pilon?

1 A Right.

2 Q And he is the interpreter?

3 A Right.

4 Q And you went with him? You never hauled any
5 by yourself?

6 A No, sir.

7 Q You don't know that Mr. Garcia thought you were
8 the foreman for Judge Carrillo?

9 A No.

10 Q And you don't know that you were introduced that
11 way by Mr. Pilon?

12 A No. I don't remember.

13 Q You don't remember?

14 A No.

15 Q You are not saying it didn't happen? You just
16 don't remember?

17 A It might have happened, but I don't know. I don't
18 remember.

19 Q Do you brand all your cattle with this brand
20 of yours?

21 A My own?

22 Q Yes.

23 A Yes, sir.

24 Q The Zertuche Store that you were talking about
25 and I think Mr. Hendricks here was asking you where it

1 was in relation to the bank. Where is it in relation to
2 the Farm and Ranch Supply Store?

3 A Well, it's in the other end of town, of the
4 main street.

5 Q The Zertuche Store is clear at the other end
6 of town from the Farm and Ranch Supply?

7 A (The witness nodded.)

8 Q Is Zertuche still in business?

9 A I don't know.

10 Q You don't know?

11 A Because the store is not open.

12 Q How long has it been closed?

13 A Since '66, '67, somewhere around there.

14 Q Since '66 or '67 it's been closed?

15 A Yes. Whenever we had that hurricane that
16 came close to—

17 Q And it never opened again?

18 A No. It rained down. Everything came out. The
19 ceiling came down with the water.

20 Q So there has been no store there at that place
21 at the other end of town since 1966.

22 A Somewhere around there. Yes. '67.

23 Q You don't know if they moved it anywhere else
24 while they were fixing it?

25 A No, sir.

1 Q So far as you know, there has been no Zertuche
2 Store opened since 1966?

3 A Right.

4 Q Did you see these slips here?

5 MR. KASTER: Are those dated?

6 CHAIRMAN HALE: We sent them to be photo-
7 copied. I don't know what the dates were.

8 Q If you saw some slips from Zertuche Store in
9 the 1970's, what would that indicate to you: that the
10 store is still open? You say it's been closed since
11 '66, as far as you know. What would that indicate to you?

12 A Somebody is using the wrong slips. I don't
13 know.

14 MR. KASTER: That's all I have.

15 CHAIRMAN HALE: Mr. Donaldson?

16 BY MR. DONALDSON

17 Q When you got back from the Army, I believe you
18 went to work for the County, didn't you say?

19 A Yes, sir.

20 Q I believe you testified earlier that you make
21 \$750 a month now?

22 A Yes, sir.

23 Q When did you get a raise?

24 A About two months ago, or one month ago.

25 Q What were you making before that?

1 A 375.

2 Q There are two other Bailiffs, you say?

3 A Yes, sir.

4 Q Let me ask you, who are the other two Bailiffs?

5 A It's a Rollo Briones.

6 Q Speak up where we can hear you, please.

7 A Rollo Briones and Noe— I don't know his last
8 name.

9 Q How long have they been working?

10 A A month.

11 Q Now, on this cattle operation, you say that
12 you own your cows and your brother owns his. Is that
13 right?

14 A (The witness nodded.)

15 Q Do you have separate brands?

16 A Yes, sir.

17 Q How long have you been running cattle on Judge's
18 ranch?

19 A Since—well, not cattle, livestock. You see,
20 I have my horses there since '65.

21 Q When did you first put some cows out there?

22 A Somewhere around '70, '71.

23 Q After you got back from the Service?

24 A '71. Yes.

25 Q Where did you buy your cows?

A Well, see, we have this other place out there.

1 We lease this other place, my brother and I. We've got
2 some cows out there also, see.

3 Q You've got what? Speak up in the mike, please.
4 We're having trouble hearing you.

5 A We've got some cows out there. We've got another
6 lease, my brother and I, and we've got more cows out there.

7 Q How many cows do you own, total, all together?
8 Yours?

9 A I would say 60, 70.

10 Q When did you first buy some cows and where did
11 you buy them?

12 A I bought some at Alice auction.

13 Q At the auction at Alice?

14 A Yes.

15 Q How many? When?

16 A I bought, I believe, 15, somewhere around '70
17 or '71.

18 Q Do you remember how much they cost you?

19 A They were pretty high at the time. About \$300.

20 Q Apiece?

21 A (The witness nodded.)

22 Q Where did you get the money?

23 A Well, I had some— I brought some from overseas.
24 I saved up some money.

25 Q What rank were you in the Service?

A E-4.

1 Q That would have been about \$4,500. Did you have
2 that much saved up?

3 A More or less. Yes.

4 Q Are you married?

5 A Yes, sir.

6 Q You have children?

7 A Yes, sir.

8 Q Were you married then?

9 A Yes, sir.

10 Q Did you have children then?

11 A One boy.

12 Q You say you bought fifteen head?

13 A Somewhere around there.

14 Q In 1970 or '71?

15 A Right.

16 Q How did your herd increase to '60? Did you
17 buy some more, or—

18 A I have been leaving the replacement heifers,
19 and they have been growing up to be cows.

20 Q In four years?

21 A Yes. They'll produce a calf in three.

22 Q Do you breed them pretty early?

23 A Yes. As soon as I can.

24 Q All right. When did your brother first buy
25 his cows? Do you know that?

1 A No, sir.

2 Q Did he have any cows when you came back from
3 the service?

4 A Yes.

5 Q It's your testimony under oath that you bought
6 fifteen head in about '70 and that that herd has grown
7 to something over sixty?

8 A Oh, but I had some apart from the ones I
9 bought.

10 Q Do what now?

11 A I had other cows apart from the ones I bought.

12 Q Oh, you already had some in 1970?

13 A Right.

14 Q How many?

15 A I don't know. About 20— 20, somewhere around
16 there.

17 Q When did you get those?

18 A Well, they belonged to my Daddy. He gave them
19 to me.

20 Q Your Dad gave them to you. Did he give your
21 brother some?

22 A Sir?

23 Q Did he give your brother some?

24 A Yes.

25 Q Did he give him about 20?

1 A More or less. Yes.

2 Q Okay. Do you owe any money on the cattle?

3 A Not now.

4 Q Now, let me ask you this: Since 1970, when
5 you got back from the Service and went to work for the
6 County, have you always been paid by one check from the
7 County each month?

8 A Since I came back? Yes.

9 Q And you have had no other source of income
10 other than your cattle operation. Right?

11 A Right.

12 Q When Judge Carrillo took the bench in January
13 of '71, is that when you went to work as Bailiff?

14 A Right.

15 Q Is that correct?

16 A Right.

17 Q I believe at that time you were making \$300
18 a month?

19 A \$375. Yes.

20 Q Okay. I think the record that we have will
21 show that you started at \$300. And up until March 31st,
22 of this year, you were making \$375 a month?

23 A Right.

24 Q And you got a raise to \$750 a month?

25 A Right.

1 Q The first of April, I suppose. Did your duties
2 increase significantly?

3 A I'll tell you the duty, the risk on the duty,
4 that's what raised it significantly.

5 Q What do you mean, "the risk"?

6 A Well, you have been reading in the papers that
7 there is a lot of friction up there politically?

8 Q Okay. So you are getting hazardous duty pay
9 kind of?

10 A Something like that.

11 Q Now, it's your testimony that your cattle are
12 branded with your brand and your brothers are branded with
13 his brand.

14 A Right.

15 Q You do not run a partnership. Yours are yours
16 and his are his?

17 A Right.

18 Q How well do you know Arturo Zertuche?

19 A We went to school together.

20 Q When?

21 A High school.

22 Q High school together?

23 A He was two grades lower than me, I think.

24 Q Was he in business while he was in high school?

25 A He might have been. Yes.

1 Q Are you related to Arturo Zertuche?

2 A No, sir.

3 Q Where is he now?

4 A I believe he's in Harlingen.

5 Q What kind of business is he in now?

6 A He is a teacher, I think.

MR. DONALDSON: I pass.

8 CHAIRMAN HALE: Mr. Laney?

9 BY MR. LANEY

10 Q How big is the Judge's ranch?

11 A All together?

12 Q All together?

13 A Well, he's got I'll say he's got 3,000 acres,
14 200— Are you writing this down? 3,000 acres— I will
15 say 3,400 acres.

16 Q 3,400 acres?

17 A Right.

18 Q And your cattle are taking up about 1,200 acres?

19 A Wait a minute. I'm not through yet.

20 Q Okay.

21 A I am trying to add them up to you.

22 Q You give them to me and I'll add them up for
23 you.

24 A Okay. It's 3,400.

25 Q 3,400.

1 A 160.

2 Q 160.

3 A And 160. And he's got a lease up there that
4 I think is 8,000 or 10,000 acres.

5 Q Eight or ten thousand acres?

6 A Right.

7 Q About 17,000 acres then?

8 A I forgot another 160 acres.

9 Q How many miles of fence? How many miles of
10 fence? You said you checked the fences for him. How
11 many miles of fence does he have? in all.

12 A Well in the small tracts 160 acres, I believe
13 that would be—

14 Q That would be two miles of fence and 160 acres.
15 But how many total, over the whole, 10,000 or 12,000 what,
16 or 15,000 acres, or how many miles of fence. You said
17 you took care of all the fence. How many miles of fence,
18 I guess you must have driven it or ridden it on horseback
19 or something?

20 A I would say it would be somewhere close to—
21 You mean on all the places together or what?

22 Q Well, you said you checked the fences?

23 A Yes. Let's take the 8,000, 10,000—

24 Q Okay.

25 A It would be about, I'd say 25 or 30 miles.

Q Did you check that everyday or nearly every two

1 or three days or once a week?

2 A Whenever I have a chance. Yes.

3 Q How often is when you have a chance?

4 A Mostly on weekends.

5 Q Do you have a jeep or something that you go
6 around it or do you ride horseback?

7 A A pickup and some places where you can't go
8 in.

9 Q Do you ride horseback in there?

10 A Yes.

11 Q Do you ride that 25 miles of fence every week-
12 end or?

13 A Something like that. Yes.

14 Q How many windmills?

15 A Up there on the 8,000 acres, he doesn't have
16 one windmill. He's got water tanks.

17 Q Water tanks?

18 A Right.

19 Q You said you checked the windmills. Where do
20 you check the windmills?

21 A Up on the other place.

22 Q How many windmills are there there?

23 A He's got one in each tract, that is three,
24 four, four or five.

25 Q Do you repair the windmills and everything, or

1 just go around and check and see if they are pumping?

2 A Well, whenever they break down, he'll hire
3 someone.

4 Q You don't change the leathers on them or any-
5 thing like that, yourself, do you?

6 A Yes. I help them out.

7 Q You pull the windmills and pull the sucker
8 rods out and things like that?

9 A Whenever I can, I help them out. Yes.

10 Q Okay. You say you've got mother cows?

11 A Right.

12 Q When is the last time you sold any calves off
13 of these mother cows?

14 A Last week.

15 Q Last week?

16 A Yes.

17 Q How many calves did you sell?

18 A Six?

19 Q How many calves did you sell?

20 A Sell?

21 Q Yes. You said you sold some last week. How
22 many did you sell?

23 A No. I thought you said had I seen them.

24 Q No. I said how many calves have you sold? Have
25 you sold any calves off of these cows?

1 A Oh, yes. I sold, I believe it was six of them.

2 Q When did you sell those?

3 A Last month, I think.

4 Q Is there any cultivated acreage in the Judge's
5 land, any acres under cultivation?

6 A He's got some.

7 Q What does he raise on the cultivated acreage?

8 A He used to plant hay for the cows.

9 Q Did you ever help him bale the hay, or harvest
10 the hay?

11 A Sometimes I picked up the bales.

12 Q Did you ever draw a paycheck from the County
13 while you were in the Army?

14 A No.

15 Q Did you testify a while ago that the Judge now
16 has about 500 head of cattle?

17 A More or less. Yes.

18 Q. Is that on the whole 13,000 acres?

19 A On the whole deal. Yes.

20 Q What do you as Bailiff? How many hours a week
21 does that job require in the courtroom— I believe you
22 said that was the only time you worked as a bailiff when
23 you were actually in the courtroom?

24 A Right.

25 Q How many hours a week do you usually spend at

1 that?

2 A It's hard to tell, because sometimes we come
3 out early, sometimes we stay up til midnight.

4 Q What about, say two weeks ago, how many hours
5 did you— How much time did you spend as a Bailiff?

6 A Last week you say?

7 Q Two weeks ago, or last week will be fine.

8 A Last week the Judge was here.

9 Q Okay. Week before last.

10 A Okay. We went to Rio Grande City, I believe.
11 When we go out there, we put in about ten to twelve hours
12 a day.

13 Q Okay. I am not real familiar with what a Bailiff
14 does. What do you do as a Bailiff? You said a while
15 ago you bring the witnesses in, or whatever?

16 A I just keep order in the court and escort the
17 jury in and out of the courtroom, whenever it is needed,
18 and that's about it.

19 Q So on this land, this cultivated land, what type
20 of tractor does the Judge use on that? Does he use his
21 caterpillars on that?

22 A No, he's got farm tractors.

23 Q Row crop tractors?

24 A Yes, sir.

25 Q Who handles his farming?

1 A He hires someone.

2 Q There is nobody who oversees the farming
3 operation then?

4 A No. No. He hasn't planted in the past two
5 years.

6 Q Does he ever use his caterpillars on his
7 farming land or anything?

8 A How is that?

9 Q These caterpillars or bulldozers, he never uses
10 them on his farmland?

11 A No, sir.

12 Q Do you know whether the Judge has a bulldozer
13 or a caterpillar or anything now that is not working,
14 that is broken down?

15 A I believe so. Yes.

16 Q Do you know where it is being repaired?

17 A No, sir.

18 Q You don't know where it's being repaired?

19 A No.

20 Q Does the Judge have a foreman at the ranch?

21 A No. He is his own foreman.

22 Q There is no foreman at the ranch, no farm
23 manager or anything?

24 A No.

25 Q He does it all himself?

1 A He does his own thing. Yes.

2 Q Your testimony is that you just go out there
3 on weekends and take care of all this fence and check all
4 the windmills and pull them when you have any problem
5 and releather them and everything and check the cattle,
6 ride through the cattle.

7 A Right.

8 Q Do you ride a horse through the cattle and
9 everything?

10 A Sometimes. I'm a weekend cowboy.

11 MR. LANEY: That's all.

12 CHAIRMAN HALE: Ms. Thomposon.

13 BY MS. THOMPSON

14 Q Mr. Elizondo, how long have you been a Bailiff?

15 A Since '71.

16 Q Since 1971?

17 A Yes, ma'am.

18 Q You are Tomas Elizondo?

19 A Right.

20 Q And you have been paid as a Bailiff since 1971?

21 A Yes, ma'am.

22 Q Now, according to some records I have here on
23 March the 31st, 1975, Tomas Elizondo was paid \$375 out
24 of the Road and Bridge Funds. Could you explain that to
25 me. Is that the way that a Bailiff is paid, out of a

1 Road and Bridge Fund?

2 A I don't know.

3 Q Is there another Tomas Elizondo who works for the
4 Road and Bridge?

5 A No, ma'am.

6 Q In 1972, you were paid \$300 out of the Road and
7 Bridge Fund, "Tomas Elizondo."

8 A I have been paid all—

9 Q You weren't a Bailiff in 1972?

10 A Yes, ma'am. I have been paid out of the Road
11 and Bridge Fund ever since I became a Bailiff.

12 Q Oh, that's the method in which you are paid,
13 out of the Road and Bridge Fund.

14 A Yes, ma'am.

15 Q I notice on April the 30th, 1975, out of the
16 General Fund, you've been paid \$750. Could you tell me
17 have they changed from paying you out of the Road and
18 Bridge Fund and started paying you out of the General
19 Fund?

20 A I don't know.

21 MS. THOMPSON: That's all my questions, sir.

22 BY MS. WEDDINGTON

23 Q Approximately what was your income from your 50
24 cows last year, in 1974?

25 A I would say about— Only from the cows?

1 Q Yes. Not from your job as a Bailiff, but just
2 from your farming or ranching operations.

3 A I would say \$3,000.

4 Q Okay. About how much income would you say the
5 Judge would have had from his ranch? Now, he didn't have
6 any cash crop last year. Is that right?

7 A What do you mean, "cash crop"?

8 Q He didn't have a crop that he sold to somebody
9 for cash last year, 1974?

10 A No. He hasn't planted.

11 Q So the only income he would have had from the
12 ranch would have been the cattle. Is that right?

13 A That's right.

14 Q How much would you estimate that he had in
15 income?

16 A I wouldn't have any idea.

17 Q If you got \$3,000 on your 50 cows, would his
18 be about the same, only that he had 500 cows instead of
19 50?

20 A Oh, well, it could be.

21 Q Is there any reason he would have made more on
22 his cows than you made on yours?

23 A He might have. He's got better quality cattle.

24 Q Better quality cow?

25 A A better breed.

1 Q So he should have made a minimum of 30,000 off
2 his, and maybe more?

3 A Maybe.

4 Q Okay. What was 1973 like? Was that as good a
5 year as 1974, or a worse year?

6 A Well, I believe that's when it started to come
7 down.

8 Q So last year was probably a real low year—

9 A Right.

10 Q —considering cattle sales were so bad?

11 A Right.

12 Q So '73 should have been a much better year,
13 wouldn't it?

14 A Well, it was better than last year.

15 Q If the Judge was out of town last week, what did
16 you do while he was gone during the regular working
17 hours?

18 A Well, I would report to the courthouse, to his
19 office, to see if he had any, you know, anything for me.
20 Then I would go back to my house.

21 Q So each day last week you reported to the
22 courthouse and there wasn't anything to do, was there?

23 A Right.

24 Q So then you just went ahead and did whatever
25 you wanted to?

1 A Right.

2 MS. WEDDINGTON: That's all, Your Honor.

3 MR. MALONEY: Mr. Chavez?

4 BY MR. CHAVEZ

5 Q You mentioned that you picked up groceries for
6 the Judge on weekends when you went out to work at the
7 ranch and charged them to him. Did you ever see the Judge
8 go over there and pay for his groceries?

9 A For example, he would send me out to buy groceries.
10 Sometimes he would buy them at Alice, Krogers.

11 Q I am talking about cash, when you went over to
12 the cash store. I think you said that you signed "O. P.
13 Carrillo" by you?

14 A Right.

15 Q Those groceries that you bought over at that store,
16 did you ever see the Judge go over there and pay for them,
17 himself?

18 A Well, I believe so. Yes.

19 Q Every month? Every week, or when?

20 A No. When I saw him was on one or two occasions.

21 Q On one or two occasions?

22 A Right.

23 Q All this time that you have been doing this
24 for him?

25 A Right. I have actually seen him, you know, sign

1 the checks.

2 Q You actually saw him. Do you know if he paid
3 for the full month, or he paid for--

4 A I never saw the amount.

5 Q Did he ever send you over there with a check
6 to pay for the groceries?

7 A Not to the cash store, but to the other stores.
8 Yes.

9 Q I am just talking about the cash store.

10 A No.

11 Q So, as far as you know, you selected the
12 groceries, took them to the ranch, and how they got paid,
13 you don't know?

14 A No.

15 Q Okay. Now, Arturo Zertuche, since you went to
16 school with him, kind of grew up with him, you know him,
17 personally. Right?

18 A Right.

19 Q You knew that he operated this Zertuche Store
20 way back there at the beginning?

21 A He had an interest in it. I don't know if he
22 operated it or not.

23 Q He and his brother Hector?

24 A I believe so. Yes.

25 Q You say that it closed about '66?

A Somewhere around there.

1 Q Or '67?

2 A Yes.

3 Q You know Benavides pretty well, don't you?

4 A Yes, sir.

5 Q So if the Zertuche Store had been in operation
6 any portion of 1971, you would have known about it, would
7 you not?

8 A Yes, sir.

9 Q And you are telling us here that as far as you
10 know, during any part of 1971, the Zertuche Store was not
11 in operation?

12 A Not that I know of.

13 Q Either at the old store where the roof fell
14 in, or over there close to Farm and Ranch?

15 A It might have been. I don't know.

16 Q From '71 up until now, did you ever know that
17 the Zertuche General Store ever occupied a portion of a
18 building at which Farm and Ranch is located?

19 A Well, no.

20 Q Huh?

21 A I don't.

22 Q You don't know, or it didn't?

23 A I don't know.

24 Q Well, you know that Farm and Ranch is owned by
25 O. P. and Ramiro Carrillo?

1 A Right.

2 Q Are you telling us that you have never been in
3 that store?

4 A Yes.

5 Q ou have been in that store?

6 A Yes.

7 Q If half of the building was for Farm and Ranch
8 and half was for Zertuche Store, you would have seen that,
9 would you not?

10 A Probably, yes.

11 Q Beg your pardon?

12 A Yes.

13 Q The times you went over there, you didn't see
14 that?

15 A No.

16 Q So that would indicate to you that the Zertuche
17 Store was not situated at that building? Is that right?

18 A Right.

19 MR. CHAVEZ: That's all.

20 CHAIRMAN HALE: I believe Mr. Hendricks
21 has some more questions.

22 BY MR. HENDRICKS

23 Q I believe, Tomas, you said you were on the Grand
24 Jury Commission at the present time?

25 A When?

1 Q You are on the Grand Jury Commission at the
2 present time?

3 A No, sir.

4 Q When were you on the Grand Jury Commission?

5 A Somewhere around '71, '72.

6 Q When?

7 A '71.

8 Q You are not on the present Grand Jury Commission?

9 A Not right now.

10 Q When you got this raise, was there any reason
11 for the salary jumping from \$375 to \$750?

12 A Well, I'll tell you the real reason.

13 Q What is the real reason? I would like to hear
14 it.

15 A Well, there had been a lot of friction out there,
16 politically, for two or three months before I got the
17 raise. At the time I got the raise, I believe it was the
18 high point of the—

19 Q You said there were two other Bailiffs?

20 A Well—

21 Q Besides yourself?

22 A Not at the time.

23 Q Well, right now, there are two other Bailiffs?

24 A Right now. Yes.

25 Q When did you get your raise?

1 A I believe in April.

2 Q In April?

3 A Yes.

4 Q When were the other two Bailiffs hired?

5 A I believe in April.

6 Q In April?

7 A Right.

8 Q Prior to that, had you been the only Bailiff
9 in the court?

10 A Right.

11 Q How much do these other two Bailiffs draw?

12 A Sir?

13 Q How much do the other two Bailiffs—how much
14 are they paid?

15 A I don't know.

16 Q Do they make \$750 a month?

17 A I don't know.

18 Q Well, you know whether they draw as much as you
19 do or not, don't you, Tomas?

20 A Well, I never asked them, because the last check
21 we got, they wouldn't cash them for us. We had trouble
22 cashing them.

23 Q Do your duties as Bailiff include chauffeuring
24 the Judge around in his Cadillac? You drive him around?

25 A Yes, when we go to court, I drive his car.

1 Q How often do you drive him?

2 A Sir?

3 Q Do you drive him everywhere he goes?

4 A Yes. Mostly.

5 Q Out to his ranch?

6 A Right.

7 Q And home?

8 A Right.

9 Q All times of the night and day?

10 A Yes, sir.

11 Q You chauffeur the Judge?

12 A Yes, sir.

13 MR. HENDRICKS: I believe that's all.

14 CHAIRMAN HALE: Mr. Maloney?

15 BY MR. MALONEY

16 Q Mr. Elizondo, I'm sorry, I mixed up my own
17 notes when I was asking you about this Rosary.

18 Do you recall attending an election recount
19 in Roma, some six weeks ago?

20 A Yes, sir.

21 Q With Mr. Pilon?

22 A Yes, sir.

23 Q Do you remember at that time meeting Mr. Garcia?

24 A Well, I don't.

25 Q But you were present at the election recount?

1 in Roma?

2 A Yes, sir.

3 Q And you were with Mr. Pilon?

4 A Right. Well, I was there at the courthouse.

5 Q I just wanted to establish that you were there?

6 A At the courtroom. Yes.

7 Q Now, you said that the majority of your herd
8 was on Mr. Manges's property. Is that correct?

9 A Right.

10 Q When you say "the majority," and you have 50?

11 A Right.

12 Q How many of them are on Mr. Manges's property?

13 A Well, I would say 30.

14 Q I'm sorry?

15 A 25 or 30.

16 Q Would that be about a fourth of what you have
17 or a half of what you have, or what?

18 A I would say about half.

19 Q How about your brother? Does he have any cattle
20 on Mr. Manges's property?

21 A Yes.

22 Q About how many does he have on Mr. Manges's
23 property?

24 A About the same amount.

25 Q So you have about half of your herd on Mr.

1 Manges's and half on the Judge's. Is that right?

2 A Right.

3 Q And the same would hold true for your brother?

4 A Right.

5 Q Why do you have your cattle split up on these
6 two pieces of property?

7 A Well, we tried to balance, you know, the number
8 of cows on one place.

9 Q Does the Judge have some of his cattle on Mr.
10 Manges's property?

11 A Yes.

12 Q Wouldn't it be easier for you to tend your
13 cattle if they were all in one place?

14 A Yes. Of course.

15 Q So you are not really there just to tend your
16 cattle. It is to tend your cattle and the Judge's cattle?

17 A Well, yes, in return, for letting me have them
18 there.

19 Q Are you paid anything by Mr. Manges?

20 A No, sir.

21 Q Do you tend any of Mr. Manges's cattle?

22 A No, sir.

23 Q Do you pay any lease fees to Mr. Manges?

24 A No, sir.

25 Q Do you do any work on Mr. Manges's property?

1 A No, sir.

2 Q Your work is confined to the Judge's property?

3 A Well, I'm doing my own, for my own, you know—
4 I am working for my own self, when I work out at his
5 place.

6 Q Are those your fences that you are running?

7 A No, but it's for my own benefit. Do you know
8 what I mean?

9 Q I am not sure that I do understand what you
10 mean.

11 A Well, you asked me if I only worked at the Judge's
12 place. Right?

13 Q Yes.

14 A Yes, for my own benefit.

15 Q And you work on Mr. Manges's property for your
16 own benefit?

17 A What do you mean, on his property?

18 Q Didn't you say that you worked on his property
19 too?

20 A The one that he has leased?

21 Q Right.

22 A Right.

23 Q And do you run his fences?

24 A Right.

25 Q Do you use any county equipment on his property?

1 A No, sir.

2 MR. MALONEY: That's all I have, Mr.
3 Chairman.

4 CHAIRMAN HALE: Are there any further
5 questions?

6 Mr. Kaster?

7 BY MR. KASTER

8 Q Are you empowered as a Bailiff to carry a
9 weapon, a gun?

10 A Yes, sir.

11 Q Do you carry a gun while you are chauffeuring
12 the Judge?

13 A Yes, sir.

14 MR. KASTER: Thank you.

15 CHAIRMAN HALE: Are there further questions?

16 I guess not.

17 Mr. Elizondo, thank you very much for your
18 appearance here.

19 Since you have already testified, you do not
20 have to leave the room, if you care to stay and hear
21 the other witnesses.

22 Would you call Mr. Roberto Elizondo?

23 Mr. Elizondo, it's my duty as Chairman to
24 advise you of your rights with reference to your
25 testimony. You will be sworn to tell the truth and your

1 failure to do so could subject you to prosecution for
2 perjury. After you have completed your statement, members
3 of the Committee may ask questions concerning your
4 testimony. You must answer these questions truthfully
5 and your refusal to do so could subject you to punishment
6 for contempt. You can refuse to answer questions only on
7 the ground that such answers might incriminate you or
8 tend to incriminate you in some way. You are privileged
9 to have an attorney of your selection sit with and advise
10 you as to your answers, if you desire. The Chair will
11 attempt to protect your rights at all times.

12 Do you understand the advice I have given you?

13 THE WITNESS: Yes, sir.

14 CHAIRMAN HALE: Are you now ready to testify?

15 THE WITNESS: Yes, sir.

16 CHAIRMAN HALE: Do you understand English
17 well enough to testify?

18 THE WITNESS: Yes, sir.

19 CHAIRMAN HALE: Do you need an interpreter?

20 THE WITNESS: No, sir.

21 CHAIRMAN HALE: Fine. Would you stand and
22 raise your right hand.

23 (The witness was sworn.)

24 CHAIRMAN HALE: You may be seated.
25

1 MR. ROBERTO ELIZONDO

2 was called as a witness by the Author of HSR-161 and,
3 being duly sworn by the Chairman, testified as follows:

4 QUESTIONS BY THE COMMITTEE

5 BY CHAIRMAN HALE

6 Q Please state your name and your mailing address?

7 A Roberto Elizondo, Box 153, Benavides, Texas.

8 Q Are you presently employed?

9 A Yes, sir.

10 Q What position do you now hold?

11 A Official Court Reporter of the 229th Judicial
12 District.

13 Q Do you serve as Court Reporter in all three
14 counties of this District?

15 A I do.

16 Q Wherever the Judge is holding Court, you are
17 there to report it? Is that correct?

18 A Yes, sir.

19 Q How long have you been Court Reporter for
20 Judge Carrillo?

21 A Since September of 1973, I believe.

22 Q About a year and a half?

23 A Something like that.

24 Q Something like that. All right. What did you
25 do prior to September of '73?

1 A I worked for Judge— Well, I was in school first.
2 I was attending school.

3 Q Where did you attend school?

4 A McMahon College, Houston, Texas

5 Q Where?

6 A McMahon, in Houston.

7 Q In Houston?

8 A Yes.

9 Q What type of college is that?

10 A It's a Court Reporting School.

11 Q How long did you attend this school?

12 A A year and ten months.

13 Q What did you do prior to that time?

14 A I worked for Judge Carrillo. Yes. Judge
15 Carrillo. He wasn't a Judge.

16 Q Did he hold some position then other than
17 District Judge?

18 A I believe it was the County Attorney.

19 Q What type of work did you do for him then?

20 A Clerical work, answer correspondence in the
21 office and this sort.

22 Q You worked for Judge Carrillo and then you went
23 to school?

24 A Yes, sir.

25 Q Then, when you got out of school, you became

1 his Court Reporter?

2 A Yes, sir.

3 Q And you have been his Court Reporter up to this
4 time?

5 A Yes, sir.

6 Q You are still his Court Reporter?

7 A Yes, sir.

8 Q How much are you paid as his Court Reporter?

9 A I believe it's a thousand dollars a month.

10 Q And is that paid by Duval County?

11 A Sir?

12 Q Are you paid by Duval County?

13 A I am paid by three counties.

14 Q By the three counties?

15 A Yes, sir.

16 Q Do you get three checks every month?

17 A Yes, sir.

18 Q One from each county?

19 A Yes, sir.

20 Q How much are you paid by Duval County?

21 A \$337—that's take-home pay.

22 Q How much from the other two counties?

23 A From Jim Hogg County, I get \$126 take-home pay.
24 From Starr County, I get \$404. 404.

25 Q But the gross pay from all three totals out to

1 a thousand dollars a month? Is that correct?

2 A I believe so, with insurance and social
3 security and whatever.

4 Q Do you, in addition to that, I presume, as
5 with all Court Reporters, you make some money by taking
6 depositions and that sort of thing for lawyers in cases
7 that are pending?

8 A Yes, sir.

9 Q Is that correct?

10 A (The witness nodded.)

11 Q Do you have any other income other than the
12 salary you are paid, plus the monies you make as a Court
13 Reporter doing work for lawyers?

14 A I have some few cattle.

15 Q A few cattle. Do you and your brother run
16 these cattle together?

17 A Yes, sir.

18 Q Do you operate as a partnership?

19 A Well, yes.

20 Q How many cattle do you all own?

21 A Well, we both together have about— Well, I
22 don't know how many he has, but I have about— Let's see,
23 well, I have roughly— This is just a rough estimate, it's
24 about 100 cows.

25 Q Are part of them yours and part of them your

1 brothers, or do both of you just own them all?

2 A Part are mine and part, my brother's.

3 Q I see. How many are yours and how many are
4 your brother's?

5 A Approximately half of them. I can't say, because
6 mine has my own brand and his have his own brand.

7 Q Do you each have a separate brand?

8 A Yes, sir.

9 Q Where do you run those cattle?

10 A We have some with Judge Carrillo and some are
11 at my father's ranch.

12 Q I see. Do you do any work on Judge Carrillo's
13 ranch?

14 A Whenever there is a roundup, which includes my
15 cows. I go help out.

16 Q Do you receive any pay from Judge Carrillo for
17 any work you do on his ranch?

18 A No, sir.

19 Q Do you pay him anything for running your cattle
20 on his land?

21 A No, sir.

22 Q Are you now a Grand Jury Commissioner?

23 A I was last---

24 Q When were you a Grand Jury Commissioner?

25 A I believe it was the February term, I believe.

1 Q 1975?

2 A Yes, sir. January or February.

3 Q In what County?

4 A Duval.

5 Q In Duval County. Has that Grand Jury Commission
6 expired? Is it still active as a Grand Jury Commission?

7 A No.

8 Q Did you pick the Grand Jurors?

9 A Yes.

10 Q And then you have had no functions as Commissioner
11 since that time?

12 A No, sir.

13 Q Have you served on the Grand Jury since Judge
14 Carrillo's been Judge?

15 A No, sir.

16 Q Have you served any other time as Grand Jury
17 Commissioner?

18 A No, sir.

19 Q Are you acquainted with a grocery store in
20 Benavides known as the cash store?

21 A Yes, sir.

22 Q Are you acquainted with Lauro Yzaguirre?

23 A Yes, sir.

24 Q Who owns that store?

25 A Yes, sir.

1 Q Do you trade at that store?

2 A Yes, sir.

3 Q Do you on occasion go in there and obtain
4 groceries for Judge Carrillo?

5 A Yes, sir. I do.

6 Q Do you pay anything for those groceries?

7 A For Judge Carrillo's groceries?

8 Q Yes.

9 A No, sir.

10 Q How do you compensate the store owner for those
11 groceries?

12 A I sign a ticket.

13 Q You sign a ticket?

14 A On the adding machine. They add, Mr. Yzaguirre
15 or Mrs. Yzaguirre, they add the total amount of food of
16 whatever we are going to take on the adding machine and I
17 just sign my name.

18 Q I see.

19 What do you do with those groceries?

20 A When I take those groceries, those orders of
21 O. P. Carrillo, Judge Carrillo, it all depends. When we
22 go to the ranch, for the ranch hands, make out some
23 dinner for the ranch hands, supper or whatever.

24 Q All of those groceries that you pick up for
25 which you sign a ticket for Judge Carrillo, you deliver to

1 Judge Carrillo, or wherever he tells you to deliver them?
2 Is that correct?

3 A Yes, sir.

4 Q How often do you buy groceries for Judge
5 Carrillo in the cash store?

6 A It all depends. Whenever we have a roundup at
7 the ranch or something, I go.

8 Q Would you say once a week, or twice a week or
9 once a month? About how often would you say?

10 A On the weekends, mostly.

11 Q Would you say you would average once a week
12 buying groceries for him?

13 A Once or twice or three.

14 Q Do you know who pays for those tickets you
15 sign?

16 A I believe that it is Judge Carrillo.

17 CHAIRMAN HALE: Thank you.

18 Mr. Maloney?

19 BY MR. MALONEY

20 Q Mr. Elizondo, when was the first time you
21 did any work for the Duval County?

22 A Well, if I can recall, it was back when Judge
23 Carrillo was the County Attorney. I can't recall how
24 far back that is.

25 Q I believe that he took the bench in 1971.

1 A Yes, sir.

2 Q It would be previous then to that?

3 A I believe so. Yes.

4 Q And I believe that you told the Committee that
5 you went to a Court Reporting School?

6 A I did.

7 Q And where was this?

8 A In Houston, Texas.

9 Q Could you tell us when you went to this
10 Court Reporting School?

11 A In January the 8th, 1972, or something like that.

12 Q Well, did you do any work for the County from
13 the time that the Judge took the bench until the time
14 you went to Court Reporting School?

15 A Yes, sir.

16 Q What did you do for the County then?

17 A I would answer correspondence in the Judge's
18 office.

19 Q Were you paid for that?

20 A Yes, sir.

21 Q Was that a full-time job?

22 A Yes, sir.

23 Q Then you went to Court Reporting School. Are
24 you sure of that date?

25 A Well, I could be off. I mean, I believe it was

1 1972, and I came out 1973, I believe. September.

2 Q You came out in September of 1973?

3 A That's correct, if I am not mistaken.

4 Q But this would be about an 18 or 19 month course?

5 A Something like that. Yes, sir.

6 Q What does that course consist of?

7 A English, Medical. You have a little bit of law
8 and then mainly the machine, court reporting, spelling.

9 Q Do you attend classes all day?

10 A Yes, sir.

11 Q How many days a week do you attend classes?

12 A Five days a week.

13 Q That would be all day, five days a week?

14 A Yes, sir.

15 Q Every business day of the month that would take?

16 A Except for two weeks in July, or summer vacation.

17 Q And this continued then from January of '72 un-
18 til September of '73?

19 A Yes, sir, if I am not mistaken that's the
20 correct dates.

21 Q Were you living at that time then in Houston?

22 A Yes, sir. Well, I was commuting. On the week-
23 ends, I would come back.

24 Q What was the purpose of coming back on the
25 weekends?

A Well, I had to work in the office, do clerical

1 work, answer correspondence on Saturdays and things
2 like that.

3 Q Did you do that every weekend?

4 A Mostly. Yes, sir.

5 Q I take it then you are the same Roberto Elizondo
6 that received a check from Duval County for \$225 in labor
7 for January of '73?

8 A I believe that's correct.

9 Q Again in February of '73 for \$225?

10 A I believe that's correct.

11 Q And March, April, May and June, July and August
12 of '73?

13 A Yes, sir.

14 Q What was that work for?

15 A For clerical work in the office? Can I explain
16 that a little further?

17 Q I wish you would.

18 A At that time, I was having financial problems
19 and Judge Carrillo said that I was helping out. I wanted
20 to become a Court Reporter. He said he would help me
21 out, if I would work in the office on the weekend.

22 Q Did you ever do any work on his ranch during
23 those weekends?

24 A No, sir.

25 Q When did you first start working on his ranch?

1 A Whenever I put in some cattle, when I came
2 back, I believe.

3 Q When did you buy your first cattle?

4 A I have no idea.

5 Q About when?

6 A About— I have had cattle all my life.

7 Q Where did you keep them?

8 A On my father's place.

9 Q When did you first put your cattle on Judge
10 Carrillo's ranch?

11 A It must have been sometime in the 60's, the
12 late 60's, I believe.

13 Q Why did you switch them from your father's
14 place to Judge Carrillo's?

15 A Because it was getting too crowded at my
16 father's place. Judge Carrillo offered to lend me some
17 grazing land.

18 Q And when you moved your cattle over to Judge
19 Carrillo's would be about when?

20 A The late 60's.

21 Q About how many cattle did you move over there
22 at that time?

23 A It would just be a rough estimate. About 20
24 or 30, I guess.

25 Q I beg your pardon?

1 A Twenty or thirty.

2 Q Were these some your father gave you, or you
3 bought, or what?

4 A My father gave me some of them. Yes. He gave
5 them— I can't recall that. I will have to think on that
6 a little. I believe I bought a few of them, but I can't
7 be for sure. But if I did, the records will show.

8 Q At the time you moved those over there, did
9 you start working on Judge Carrillo's ranch?

0 A No, sir. If I did, it was on the weekends.

1 Q Well, you either did or didn't. Did you work
2 on his ranch during that period?

3 A I believe I went once or twice at that time.

4 Q And once you moved your herd over to Judge
15 Carrillo's, did it begin to prosper and multiply?

16 A Yes, sir.

17 Q Then what was your financial trouble when you
18 went to Court Reporting School?

19 A Well, I got married and some children, and a
20 family.

21 Q Did you sell any of your cattle?

22 A Well, I would sell offsprings. Then I had to
23 help my father pay the rent, for where he had the cattle.

24 Q So, it wasn't making enough to make ends meet,
25 so the Judge put you to work?

1 A Right.

2 Q Then when you got out of Court Reporting School
3 in '73, what work did you take on at that time?

4 A What do you mean? Would you explain that?

5 Q Well, you graduated from Court Reporting School.
6 Right?

7 A Yes, sir.

8 Q Did you go to work for anyone else, or did you
9 immediately go to work for Judge Carrillo?

10 A I went immediately to Judge Carrillo.

11 Q As a Court Reporter in his Court?

12 A Yes, sir.

13 Q What happened to the Court Reporter that he had
14 in the meantime?

15 A When I came in September, I believe he was with
16 Judge Almia in Edinburg. He was no longer with Judge
17 Carrillo.

18 Q So the Judge was without a Court Reporter?

19 A I believe so. Yes, sir.

20 Q And you have been the Judge's Court Reporter since
21 that time?

22 A That's correct.

23 Q Is your Court Reporting job a full-time job?

24 A Yes, sir.

25 Q How many hours a week do you suppose that you

1 spend in Court Reporting?

2 A Well, we start at 9:00 and sometimes we go
3 til midnight. I'd say roughly about 30 hours or 40 hours.

4 Q Do you work during this period? Have you worked
5 on the Judge's ranch?

6 A During what period?

7 Q The time that you were a Court Reporter for
8 Judge Carrillo?

9 A Yes, sir. On the weekends.

10 Q The weekends only. You did not work at any
11 other time?

12 A No, sir. Or unless we get off early from
13 court, let's say 4:00 or 5:00 o'clock, or go into
14 evenings; just check the cattle around and just come
15 back. I don't consider that "work."

16 Q Do you work as a Court Reporter when the Judge
17 is not on the bench?

18 A No, sir. I am in the office, answering mail,
19 answering the phone and answering correspondence,
20 settings for trials and what have you.

21 Q About how many days a week is the Judge in
22 trial?

23 A Well, it depends. If it's a jury week, probably
24 all week in Court.

25 Q Well, on an average, how many days a week would

1 you be in trial?

2 A Four, mostly five.

3 Q Would it surprise you if the Bailiff of the
4 Court only worked about three days a week?

5 A Well, could be. Sometimes we stay way late at
6 nights; sometimes get off at 5:00. The Court adjourns at
7 5:00.

8 Q What do you do when the Court is not in session?

9 A I am in the office, San Diego, Texas.

10 Q Do you recall being a Court Reporter in the
11 case of the 229th District Court involving the Duval
12 Land Company?

13 A No, sir.

14 Q You do not?

15 A No, sir. What year was that?

16 Q The Duval County Ranch Company.

17 A What year was that?

18 Q In the case styled Harry Winslow, et al,
19 versus the Duval County Ranch Company, Incorporated?

20 A No, sir. I did not handle such a case.

21 Q You were not the Court Reporter in that?

22 A No, sir.

23 Q Are you the only Court Reporter that Judge
24 Carrillo has at this time, or has had since the time you
25 were employed?

1 A Yes, sir. Unless he is disqualified and another
2 Judge comes in and brings his own Reporter.

3 Q Where do you keep your cattle?

4 A With Judge Carrillo.

5 Q Is that the only place you keep your cattle?

6 A My father's ranch.

7 Q Your father's ranch. Any place else?

8 A No, sir.

9 Q Are you sure of that?

10 A Yes, sir.

11 Q You would be able to keep up with your own
12 cattle. Right?

13 A Yes, sir.

14 Q Are your cattle branded?

15 A Yes, sir.

16 Q What is your brand?

17 A 9-E, together.

18 Q Is your brand registered?

19 A Yes, sir.

20 MR. MALONEY: That's all I have, Mr. Chairman.

21 CHAIRMAN HALE: Mr. Slack isn't here.

22 Mr. Hendricks?

23 MR. HENDRICKS: Yes, sir. I'm here.

24 BY MR. HENDRICKS

25 Q How old are you, Roberto?

1 A 26.

2 Q 26? Do you know Arturo Zertuche?

3 A Yes, sir.

4 Q How old is he?

5 A Approximately 30, some 32 years, I believe. I
6 am not sure on that. 30 or 32.

7 Q You entered the school on January the 8th, 1973
8 or '72? Is that correct?

9 A That's correct.

10 Q And you were attending full time. Is that
11 correct?

12 A Yes, sir.

13 Q How far is it from Houston to San Diego?

14 A Approximately 300 miles.

15 Q Approximately 300 miles.

16 A Yes, sir.

17 Q What kind of automobile were you driving at
18 this time?

19 A Automobile?

20 Q Did you have a car?

21 A Yes, sir.

22 Q What kind was it?

23 A '72 Chevrolet.

24 Q Did you drive back to San Diego every weekend?

25 A Mostly. Yes, sir.

1 Q Every weekend?

2 A Yes, sir.

3 Q From January the 8th, 1972?

4 A Yes.

5 Q Prior to January, back in '71, what type of
6 work were you doing for Duval County?

7 A I was, at that time, was with Judge Carrillo
8 in his County Attorney Office, I believe. He wasn't
9 the Judge yet.

10 Q Would that have been, say, from— Now, the
11 Judge took the bench in January of '71, didn't he?

12 A Yes, sir.

13 Q And you weren't working— He wasn't County
14 Attorney then, was he?

15 A Did you say '70 or '71?

16 Q '71.

17 A I misunderstood the question.

18 Q In '71.

19 A In '71? I was with him in his Court.

20 Q You were with the Judge in his Court.

21 A Either in—

22 Q I show a check or a county warrant issued to
23 you on 5/12/71, 6/14/71, and it runs on through the end
24 of the year in '71 at \$225 per month. Does that sound
25 correct?

1 A Yes, sir.

2 Q If you were working for Judge Carrillo, why
3 does it show this check was paid through County Commissioner
4 of Precinct 3?

5 A Because I wasn't a Court Reporter in 1971.

6 Q You mean the Commissioner picks up the tab?

7 A What was that again?

8 Q The Commissioner picks up the tab for you
9 being up there with the Judge?

10 A No. I worked with the Judge as his clerk, as
11 his correspondent; I answered his correspondence.

12 Q Did you know you were being paid by the
13 Commissioner of Precinct 3?

14 A I don't know what Precinct it was.

15 Q You have no reason to doubt me, if I tell you—

16 A Well, the record will show whatever.

17 Q All right. Then you went to school in January
18 of '72.

19 A Yes, sir.

20 Q And from January of '72 through 7/17/73, and
21 then it skips to 10/4/73, you drew a check every month
22 from Duval County from Precinct 3 in the amount of \$225,
23 while you were attending school full time down in Houston.
24 Is that correct?

25 A I believe so. Yes, sir. That's correct.

1 Q And though the records show you were employed
2 by Precinct 3, it's your story that you were working for
3 Judge Carrillo at this time. Is that correct?

4 A That's correct.

5 Q The Judge was helping put you through school.
6 Is that correct?

7 A That's correct. Yes, sir.

8 Q You were indebted to the Judge quite a bit
9 then, aren't you, sir?

10 A Well, I just wanted to go to school.

11 Q He just wanted to help you out, didn't he?

12 A I believe so.

13 Q And he did quite a job of it, didn't he?

14 A (The witness nodded.)

15 Q When this suit was filed to disqualify the
16 Judge, did you report that?

17 A What case was that?

18 Q I forget the case. He was disqualified in the
19 case. The one that disqualified him, did you report that
20 case?

21 A Whichever case it was.

22 Q Clinton Manges versus M. A. Guerra, et all.

23 A I have not handled any cases involving Clinton
24 Manges.

25 Q All right, sir.

1 A Since I have been reporting in the District.

2 Q Do you know where the Zertuche General Store is?

3 A Yes, sir.

4 Q Is it there now, and operating?

5 A No, sir. It was.

6 Q When did it operate?

7 A Well, it's about ten years ago, I believe.

8 Q About ten years ago. It has not operated since
9 that big storm came through, has it?

10 A I don't think so. I don't know.

11 Q Is there any way you could account for Duval
12 County issuing a bunch of county warrants to the Zertuche
13 General Store in the years '70, '71 and '72?

14 A I couldn't say.

15 Q There wasn't anybody there to take the money,
16 was there?

17 A I wouldn't know.

18 Q Well, there isn't anything there now, is there?

19 A No, sir.

20 Q There hasn't been in ten years, has there, or
21 something like that?

22 A Something like that.

23 Q The Judge appointed you as a Grand Jury
24 Commissioner this last term of Court. Is that correct?

25 A Yes, sir.

1 Q What are the duties of a Grand Jury Commissioner?

2 A To appoint some people for the Grand Jury.

3 Q Appoint the people to the Grand Jury. All right.

4 Was Morris Ashby on that?

5 A I believe so.

6 Q The record will show.

7 A The record will show who the Commissioners were,

8 I guess.

9 Q Well, do you have any independent recollection
10 of Morris Ashby serving?

11 A Yes, sir.

12 Q Was he on the Grand Jury Commission?

13 A Yes, sir.

14 Q Who is Morris Ashby?

15 A I have no idea.

16 Q Do you know that he is the ex-vice president
17 of the Duval County Ranch Company?

18 A Do I know of my personal knowledge?

19 Q Yes.

20 A I sure don't.

21 Q Do you know that he now works for Clinton
22 Manges?

23 A I've heard.

24 Q Did you know that the Judge appointed him to
25 the Benavides School District?

1 A Yes, sir.

2 Q Now, he's president of the Board, isn't he?

3 A I believe so. The record will show.

4 Q Was Manuel Amaya on that Grand Jury Commission?

5 A Yes, sir.

6 Q Where does he work?

7 A I don't know, sir.

8 Q Doesn't he work for the Duval County Ranch
9 Company?

10 A I have no idea.

11 Q For Clinton Manges?

12 A I have no idea.

13 Q Was he appointed to County Commissioner's
14 Court, Precint 1, just recently?

15 A I believe the record will show you are correct.

16 Q Of your knowledge, do you know that he is now
17 the Commisiener 1 of Duval County?

18 A Yes, sir.

19 Q Of course, you have abided by the law in every-
20 thing in appointing the Grand Jury and took everything
21 into consideration and sat down and advised with the
22 Judge and took his advice and consent in appointing the
23 members of the Grand Jury. Is that correct?

24 A No, sir.

25 Q How did you appoint the Grand Jury?

1 A I was given a list by the Clerk.

2 Q Whose clerk?

3 A The Duval County Clerk, the District Clerk there
4 in Duval County.

5 Q Who was foreman of that Grand Jury?

6 A Which Grand Jury?

7 Q This one you appointed?

8 A Who was foreman?

9 Q Yes.

10 A I believe it was Jose R. Nicholes.

11 Q Who does he work for?

12 A I think he works for Duval County Ranch Company.

13 Q Clinton Manges?

14 A (The witness nodded.)

15 Q And Jack Dameron? Damon, or something, D-a-m-o-n.

16 A I don't know the individual, sir.

17 Q Do you know who I am talking about?

18 A No, sir.

19 Q Enrique Carrillo. Was he on that Grand Jury?

20 A Yes, sir.

21 Q Who is he?

22 A He is a citizen of Precinct 3, I believe, or
23 whatever precinct.

24 Q Any kin to Judge Carrillo?

25 A I think he is a cousin. Yes, sir.

1 Q First cousin, isn't he?

2 A Well, yes.

3 Q Is that correct?

4 A I guess. I don't know the relations.

5 Q You don't remember this Jack Damon being on
6 the Grand Jury?

7 A No, sir.

8 Q He also worked for Clinton Manges.

9 A I wouldn't know.

10 Q If my records show that he was on the Grand
11 Jury, you would have no reason to doubt it?

12 A If it shows it, I have no reason to doubt it.

13 Q Santiago Garcia. Was he appointed on that
14 Grand Jury?

15 A Yes, sir.

16 Q Who is he?

17 A He is a citizen of Benavides.

18 Q Isn't he the City Secretary of Benavides?

19 A I believe so.

20 Q Wasn't he appointed to the School Board by
21 Judge Carrillo?

22 A He was.

23 Q That could be "Dameron," instead of "Damon."
24 Does that name ring a bell?

25 A No, sir.

1 Q Crisanto Garza. Was he on that Grand Jury?

2 A Yes, sir.

3 Q Who is he?

4 A He is a citizen of Benavides.

5 Q Any relation to the Judge?

6 A I don't— Not to my knowledge.

7 Q Would it surprise you to know that he is the
8 Judge's cousin also?

9 A I don't believe so.

10 Q Is he his uncle then?

11 A Not that I know.

12 Q Lionel Garza. Was he appointed to that Grand
13 Jury?

14 A I believe he was. He wasn't appointed by me.

15 Q Well, he was recently appointed to the School
16 Board, wasn't he by Judge Carrillo?

17 A Yes, sir. I believe the record will show.

18 Q And Raul Palacios. P-a-l-a-c-i-o-s.

19 A Raul Palacios.

20 Q Was he on that Grand Jury?

21 A I believe he is still on the Grand Jury. Yes,
22 sir.

23 Q He is still on there?

24 A Yes.

25 Q I believe his cousin's secretary works for the

1 Judge, doesn't she?

2 A I don't know who you are talking about, sir?

3 Q Juan Martinez. Who is he?

4 A I have no idea.

5 Q Is he any relation to the Judge?

6 A I don't think so.

7 Q Mario Aguayo. Is he any relation to the Judge?

8 A No, sir.

9 Q Do you know that of your own knowledge?

10 A Yes, sir.

11 Q Verlon Bridges?

12 A No, sir.

13 Q Is he a close personal friend of Judge Carrillo?

14 A If you want to call it a close personal friend.

15 Q A real close personal friend, isn't he?

16 A I don't know what personal friends Carrillo has.

17 Q And that's the Grand Jury that you and your
18 Commission selected for Duval County down here just
19 recently, isn't it?

20 A That's correct.

21 Q The one returning all these indictments?

22 A That's correct.

23 MR. HENDRICKS: I believe that's all I
24 have, Mr. Chairman.

25 CHAIRMAN HALE: Mr. Nabers?

1 BY MR. NABERS

2 Q Who is your father?

3 A Santos Elizondo.

4 Q What does he do?

5 A He's a retired farmer. A rancher.

6 Q Have you ever seen a bulldozer on Judge
7 Carrillo's place?

8 A I have.

9 Q Do you know who owns those bulldozers?

10 A O. P. Carrillo.

11 Q Do you know that of your own personal knowledge?

12 A Yes, sir.

13 Q Can you tell me what all equipment that Mr.
14 or that Judge Carrillo has on his place?

15 A Equipment?

16 Q Yes, sir.

17 A Trucks, trailers, and--

18 Q What kind of trucks; what kind of trailers?

19 A Pickup trucks and cattle trailers.

20 Q Farm tractors?

21 A Tractors.

22 Q How many?

23 A I believe there are two.

24 Q Does he have any combines?

25 A Not to my knowledge.

1 Q Does he have any grain trucks?

2 A He has.

3 Q How many?

4 A He has one. One is his and the other one, I
5 believe is half his and half his brother's, Ramiro Carrillo.

6 Q Does he have a water truck out there?

7 A Yes, sir.

8 Q What kind is it? What brand?

9 A The water truck?

10 Q Yes.

11 A What do you mean?

12 Q International, GMC—

13 A The tractor?

14 Q No. The water truck.

15 A It's a trailer and a truck.

16 Q Yes.

17 A The tractor is an International.

18 Q What model is it, do you know?

19 A I believe 1966 or '69. I couldn't say.

20 Q Do you know when he got it?

21 A I believe— No. I sure don't. A month or
22 two months ago, something like that.

23 Q Do you know who he bought it from?

24 A From, I believe, "Ideals" in Corpus Christi.

25 Q Who?

1 A Ideals.

2 Q Ideals?

3 A Yes, sir.

4 Q Do you know who he bought the bulldozers from?

5 A To my knowledge, I believe it is Plains Machinery
6 in Corpus Christi.

7 Q They are really leased, aren't they?

8 A I guess. They were on a leased basis. That is
9 what I understand.

10 Q Are they both operating right now?

11 A I couldn't say that, because I am not on the
12 ranch all the time.

13 Q Do you have any horses?

14 A I have one.

15 Q Where is it located?

16 A It is in Judge Carrillo's pasture.

17 Q How many head of cattle do you have on Mr.
18 Manges's property?

19 A Of my own?

20 Q Yes, sir.

21 A About 20 or 30.

22 Q How many does your brother have down there?

23 A About the same.

24 Q Does he own any horses?

25 A Yes, sir.

1 Q How many does he have?

2 A I believe he has four or five or something.

3 Six.

4 Q Where are they?

5 A In Carrillo's pasture.

6 Q Did Judge Carrillo give you some of these cows?

7 A No, sir.

8 Q Where did you get the cows? Did you buy all of
9 them?

10 A No, sir. From offsprings and my father's.

11 Q How many head did your father give you?

12 A Well, it's hard to tell. What do you mean? Right
13 now? or—

14 Q I don't know. Does he give you cows every year?

15 A He does. Yes.

16 Q How many did he give you this year?

17 A About ten.

18 Q How many did he give you last year?

19 A Approximately ten.

20 Q How many the year before?

21 A About five or six or seven. It all depends.

22 Q Do you have any idea what your cattle sales
23 were for last year, the year 1974?

24 A No, sir.

25 Q What about the year of 1975?

1 A '75?

2 Q Yes.

3 A This year?

4 Q This year.

5 A I sold, I believe, about \$400 this year, I
6 believe.

7 Q Have you ever seen a backhoe on Judge Carrillo's
8 property?

9 A Not to my knowledge. No.

10 Q Have you ever seen a maintainer or a road
11 grader out there?

12 A No, sir. Not while I was at the ranch.

13 Q While you weren't at the ranch, did you know
14 of some out there?

15 A No.

16 Q Why did you make the statement that you just
17 made?

18 A It could have been during the week, and I am in
19 court. I go on the weekends.

20 Q So they could have been there then?

21 A They could have been. Yes, sir.

22 Q The County, Precinct No. 3, who is the Commis-
23 sioner of that?

24 A I am not sure, but I believe it is Ramiro, I
25 think, but I can't--

1 Q Does the County have a warehouse, or a storage
2 place for Precinct 3 in Benavides?

3 A Yes, sir.

4 Q Where is that located?

5 A In the Farm and Ranch Store.

6 Q In the Farm and Ranch Store?

7 A Yes, sir.

8 Q Have you been in that store?

9 A Yes, sir.

10 Q When was the last time you were in there?

11 A Some time last weekend, I believe. Last week.

12 Q Is it just all one big store and the County's
13 stuff in one end and the Farm and Ranch Store in another?

14 A I don't know how they have it arranged there.

15 Q You were there last Saturday.

16 A Yes, sir.

17 Q How was it arranged then?

18 A Yes. But, I don't know what belongs to who,
19 or anything about that.

20 Q Is it all just one big room?

21 A Yes, sir. Then there is some storage room in
22 back, but I don't know who's who there.

23 Q Do you know who owns that building?

24 A I believe it's Ramiro and O. P. Carrillo.

25 Q When did you move your cattle down to Clinton

1 Manges's property?

2 A I believe it was in late 60's.

3 Q So at the same time, you also put your cows
4 on the Judge's, you also moved these cows down to
5 Clinton Manges's property. Is that correct?

6 A What was that again?

7 Q I said, you also previously have testified that
8 you put cows on Judge Carrillo's in the late 60's?

9 A Yes, sir.

10 Q And now then you also at the same time, put
11 cows on Clinton Manges's property, at the same time?

12 A Yes, sir.

13 Q While you were going to Court Reporter's School,
14 did you receive any travel allowance from the County?

15 A No, sir.

16 Q So the \$225 you had to pay your expenses back
17 and forth out of that \$225?

18 A Yes, sir.

19 Q Now, I believe you, as a Court Reporter, have to
20 take an oath, do you not?

21 A Yes, sir.

22 Q And you are an officer of the Court, aren't you?

23 A Yes, sir.

24 Q And it does violate the ethics and the law to
25 be a Jury Commissioner at the same time you are an

1 official of the Court, doesn't it?

2 A I wouldn't know. I believe that's the law.

3 Q Then why did you serve in this capacity?

4 A As a Jury Commissioner?

5 Q Yes, sir.

6 A Because I told the Judge one time when we were
7 coming in from Starr County that I wanted to serve on the
8 Petit Jury. The Judge said I could not serve on the
9 Petit Jury, because I was the Court Reporter and I could
10 not serve on both. I wanted to have the experience of
11 sitting in the box, so he said, "You can't be a Grand
12 Juror." I wanted to be some kind of—on the Jury, to
13 learn a little bit more about the justice of the State
14 of Texas.

15 He said, "Do you want to be Jury Commissioner?
16 I'll appoint you to the Jury Commission." So, I was
17 appointed to the Jury Commission.

18 Q So you didn't have to take the proceedings
19 there? You could do that?

20 A Sir?

21 Q You didn't have to record the proceedings
22 before the Jury Commission, did you?

23 A No, sir.

24 CHAIRMAN HALE: Mr. Kaster?
25

1 BY MR. KASTER

2 Q Mr. Elizondo, what's your religion?

3 A Catholic.

4 Q Catholic?

5 A Yes, sir.

6 Q Do you attend mass every Sunday?

7 A Mostly.

8 Q Most Sundays?

9 A Yes, sir.

10 Q Do you go with your family?

11 A Which mass do you normally go to?

12 A 7:00 o'clock mass in the morning.

13 Q 7:00 o'clock mass.

14 Is that what? a half hour?

15 A A half hour.

16 Q When you were in school, what time did you have
17 to start class every day?

18 A At 8:45, I believe.

19 Q 8:45. Until what time in the afternoon?

20 A 3:00 o'clock, 2:30 or 3:00.

21 Q At 3:00 o'clock. That's means you would be
22 through by 3:00 o'clock?

23 A Yes, sir.

24 Q Now, I would assume— You say you are going home
25 on weekends and when you are through at 3:00 o'clock, you

1 would just drive back to Benavides!

2 A Yes, sir.

3 Q How far did you say that was?

4 A Close to 300 miles.

5 Q 300 miles. How long would it take you to
6 drive?

7 A Three and a half to four hours.

8 Q Three and a half to four hours?

9 A No. That is not three and a half to four
10 hours. That's to San Diego or Alice, which is almost
11 home. But I would make it about four or four and a half
12 hours.

13 Q Four to four and a half hours?

14 A Non-stop.

15 Q Did you drive or did anybody go with you, or
16 did you drive by yourself? Did you all pool it? It
17 says here "on limited funds." Did you all double up to
18 go home?

19 A No, sir. Just me and my wife.

20 Q Your wife?

21 A Yes, sir.

22 Q She was down in Houston with you?

23 A Yes, sir.

24 Q Did you have an apartment or something down
25 there?

1 A Yes, sir.

2 Q Now many people were in that class?

3 A Gee, I couldn't say. They start every six
4 months, I believe, or every four months they have a new
5 class.

6 Q The one you were in, were there five or ten
7 or a hundred?

8 A No. There were probably about 25 or 30.

9 Q 25 or 30. If you got out at 3:00 o'clock and
10 before you got home, it was 7:00 or 8:00 o'clock at
11 night. Right?

12 A Yes, sir.

13 Q Now, when would you go back to Houston?

14 A Sunday evening.

15 Q Sunday evening?

16 A Yes, sir.

17 Q So you would be there for Monday morning?

18 A Yes, sir.

19 Q Before you went to school in January of '72,
20 I think you said you were working for the County? You
21 were working for the Judge?

22 A Yes, sir.

23 Q Doing clerical work?

24 A Yes, sir.

25 Q And what else? Answering correspondence?

1 A Yes, sir.

2 Q Do you type?

3 A Yes, sir.

4 Q Did you take Gregg Shorthand before that, or
5 not?

6 A No, sir.

7 Q You took no shorthand; did you type from
8 dictaphone or something?

9 A Not at that time. But I do now.

10 Q Were you working full time then?

11 A Yes, sir.

12 Q For the Judge?

13 A Yes, sir.

14 Q Normally what, during office hours?

15 A Yes, sir.

16 Q Five days a week?

17 A Yes, sir. Five days a week.

18 Q From what? 8:00 to 5:00, or what are your
19 hours?

20 A From 9:00 to 5:00.

21 Q From 9:00 to 5:00?

22 A 9:00 to 4:30, or 5:00.

23 Q You would put in what, forty hours a week?

24 A Yes, sir.

25 Q For that, you were being paid \$225 for the County?

1 Is that right?

2 A Yes, sir.

3 Q Now, you go to school from January 8th, 1972 to
4 September 1973 and you are only working on weekends?

5 A Yes, sir.

6 Q And you leave Sunday night to go back to
7 Houston and you attend church every Sunday. So, what
8 time is left, you are working for the County and you are
9 getting the same amount of money as you were getting for
10 40 hours a week. Is that right?

11 A That's right. Like I said before, I was having
12 financial problems and the Judge wanted to help me out.

13 Q So the Judge is helping you out with the County's
14 money?

15 A Yes, sir.

16 Q Where did he have the authority to order the
17 County to pay you while you were down in Houston?

18 A I have no idea.

19 Q He didn't sign the checks, did he?

20 A No, sir.

21 Q So it was the taxpayers of Duval County that
22 were helping you out?

23 A I believe so.

24 MR. KASTER: Thank you. No more questions.

25 CHAIRMAN HALE: Mr. Donaldson?

1 BY MR. DONALDSON

2 Q Does the Judge have a secretary?

3 A Right now?

4 Q Yes.

5 A Yes, sir.

6 Q But you handle correspondence, case settings
7 and that kind of thing, I believe you testified earlier?

8 A Yes, sir.

9 Q Are you familiar with a case involving Mr.
10 Nicholes? It's been filed in the 229th Court some time
11 October of last year concerning Child Support or Child
12 Custody?

13 A No, sir.

14 Q You are not at all familiar with that?

15 A No, sir.

16 Q How many recommendations did you make as a
17 Grand Jury Commissioner?

18 A How many what?

19 Q How many recommendations for members of the
20 Grand Jury Panel did you make as a Commissioner?

21 A How many members—

22 Q Did you recommend?

23 A —did I recommend? I believe there were three,
24 or four, I believe, if I am correct.

25 Q How many of those that you recommended ended up

1 serving on the Grand Jury?

2 A I believe three.

3 Q Three out of four?

4 A Yes, sir.

5 Q Who did you recommend?

6 A Crisanto Garza, Santiago Garcia, Enrique
7 Carrillo, and I believe Mr. Bridges.

8 Q In your work as Court Reporter, in view of the
9 history of Judge Carrillo assisting you through Court
10 Reporter's School and that kind of thing, and you all—
11 Do you travel together when you are traveling from Court
12 to Court?

13 A Mostly. Yes, sir.

14 Q Are you pretty close to Judge Carrillo?

15 A Yes, sir. We have to be, Judge and Reporter.
16 We are always together in the Court.

17 Q Did Judge Carrillo make any recommendations to
18 you concerning that Grand Jury Commission?

19 A No, sir.

20 Q Did you ever discuss it with him?

21 A No, sir.

22 Q Does the Judge have general supervision over
23 your duties and functions as a Court Reporter?

24 A Yes, sir.

25 Q Now, I believe you said that you had never

1 reported a case that involved Clinton Manges, either as
2 a Plaintiff or Defendant. Is that correct?

3 A That's correct.

4 Q Does Judge Carrillo ever make any recommenda-
5 tions to you concerning preparation of transcript, state-
6 ment of facts and that kind of thing in cases before his
7 court?

8 A No, sir.

9 Q Did you prepare a transcript or a statement of
10 facts in the case involving several oil companies and
11 Clinton Manges?

12 A No, sir.

13 Q Do you know who prepared it?

14 A I have no idea.

15 Q But it's your testimony that you did not?

16 A I did not.

17 Q I am speaking of a case where I believe it's
18 Clinton Manges was the Plaintiff and there were several
19 oil companies involved and there was a temporary in-
20 junction entered.

21 A No, sir.

22 Q You are not familiar with that case at all?

23 A No, sir. I am not.

24 Q Okay.

25 I believe you have testified earlier that your

1 monthly salary is a thousand dollars?

2 A That's correct.

3 Q When is the last time you received a raise?

4 A I believe it was in January of this year?

5 Q What kind of raise did you receive?

6 A I believe it was \$100 a year.

7 Q A hundred dollars a month?

8 A A year, on a yearly basis, a hundred dollars
9 for this year.

10 Q Eight dollars a month, something like that?

11 A A hundred dollars a month. Yes.

12 Q A hundred dollars a month.

13 A That's right.

14 Q How did you get it? Who paid it?

15 A Who paid what?

16 Q Is that distributed among the counties within
17 the judicial district?

18 A Yes, sir.

19 Q Who gave you the raise?

20 A Judge Carrillo.

21 Q When your brother returned from the service,
22 did he have cattle?

23 A Yes, sir.

24 Q Do you know where he got his cattle?

25 A No, sir.

1 Q You have no idea?

2 A Well, my father would give me and give my
3 brother; from my father.

4 Q He got his cattle from your father?

5 A And he bought some, I believe. I don't know
6 what. He does his transactions separate from mine.

7 Q But you don't know how many cattle you have
8 and you don't know how many he has?

9 A Well, they are branded. They are there and they
10 are branded, so whatever the number are.

11 Q You don't know how many cattle you own?

12 A Yes, more or less. I can't pinpoint it. I
13 would have to go count them.

14 Q When is the last time you counted them?

15 A Well, I don't remember.

16 Q What kind of accounting basis do you use for
17 them for income tax purposes?

18 A What kind of what?

19 Q You use a cash method of keeping up with your
20 livestock operation, or do you use an accrual method?

21 A No. I have expenses for my cows.

22 Q Do you know how many cows you sell each year?

23 A Yes, sir, I do.

24 Q Do you render yours for taxation?

25 A Sir?

1 Q Do you render them for taxation?

2 A Explain that.

3 Q Do you render them to the County to be taxed
4 as personal property?

5 A The cows?

6 Q The cows.

7 A No. I don't think so.

8 Q Okay. Do you know whether or not your brother
9 does?

10 A No, sir.

11 Q Do you keep up with your sales and everything
12 separately from your brother?

13 A Yes, sir. I do.

14 Q So you have no kind of partnership with him?

15 A No, sir.

16 Q Now, what do you pay Judge Carrillo for allow-
17 ing you to run your cattle out there?

18 A I don't pay Judge Carrillo. He gets my ser-
19 vices whenever there is a cattle roundup.

20 Q How often do you have cattle roundups?

21 A It all depends; once a month, twice a month,
22 maybe three times a month.

23 Q What kind of service do you perform?

24 A I help out, horseback riding and that sort of
25 thing. General work. General work like that.

1 Q Do you report the value of that lease on your
2 income tax return?

3 A No, sir.

4 Q It would be valuable, wouldn't it?

5 A I guess.

6 Q I mean, if he wasn't giving it to you, you would
7 have to be leasing the land to run them on, wouldn't you?

8 A Yes, sir.

9 MR. DONALDSON: Pass the witness.

10 CHAIRMAN HALE: Mr. Laney?

11 BY MR. LANEY

12 Q You said you would round the cattle up one,
13 two, or three times a month. Is that correct?

14 A Yes, sir.

15 Q Why? What do you do to them three times a
16 month?

17 A Not really— I mean, sometimes I don't go. I
18 am working on transcripts. Sometimes I can make it in the
19 evenings, after I finish with my work. They are either,
20 some man would get sick or they were going to vaccinate
21 some calves, or sell some calves, or things like that.

22 Q Other than one animal getting sick, how
23 many times a year do you vaccinate?

24 A Once a year, I believe.

25 Q How many times do you work your bull calves a

1 year?

2 A I couldn't say. Roughly, I believe about
3 two or three times.

4 Q How many times a year do you brand?

5 A Sir?

6 Q How many times a year do you brand?

7 A When it's necessary; when the animals get large
8 enough to brand.

9 Q Do all the calves come along about the same
10 time a year?

11 A Mostly.

12 Q If you round up three times a month, that would
13 be 36 roundups a year?

14 A Yes, sir. But we don't round up all the cattle
15 all the time.

16 Q How many head of cattle in all is there that
17 the Judge has on the ranch?

18 A He has different ranches with different cattle.

19 Q How many total head?

20 A I believe it's about 600, five or six hundred.

21 Q It takes 36 roundups to take care of 500 head
22 of cattle?

23 A They are in different pastures.

24 Q Do you do any riding fence or anything like that
25 on the ranch?

1 A No, sir. Well, you could say that, just ride
2 around the fence and that's about it.

3 Q Do you ever have any fences to fix or anything?

4 A Well, if the fence is to be patched and I have
5 a hammer or something I just nail it back and that's it.

6 Q So when you go around to check the fence, you
7 carry the hammers and the extra steeples and a few things
8 like that with you, just in case?

9 A In the truck. Yes, sir.

10 Q Who took care of your cattle while you were
11 in school?

12 A My brother and father.

13 Q You never did take care of your cattle on the
14 weekend? When you came home on the weekend, you never
15 did work with the cattle?

16 A If I did, I can't remember, but if I did, it
17 was late in the evenings, or take some to the auction on
18 Sundays, or something like that. .

19 Q You said that this was in '72 you were going to
20 Court Reporter School. Right?

21 A Yes, sir.

22 Q I believe you said that you made it in four and
23 a half hours, which would be a little over 70 miles an hour
24 average from Houston, if you make it in four and a half
25 hours. But you said you had a '72 model car?

1 A Yes, sir.

2 Q I thought you just got through testifyin' that
3 you had financial problems and yet you had enough money
4 to buy a brand new car.

5 A Yes, sir.

6 Q Did you pay for the car?

7 A No, sir. I financed it at the bank.

8 Q What kind of car did you have before you got
9 that '72 model?

10 A I didn't have a car.

11 Q But you still say you were having financial
12 problems is why you needed the money from the County to
13 help you go to school on, but you had money enough to
14 get a brand new car?

15 A I financed it through the bank.

16 Q Did you make a downpayment on it?

17 A No, sir.

18 Q The bank financed the whole car?

19 A Yes, sir.

20 Q Without a downpayment?

21 A Yes, sir.

22 Q I would like to know your banker.

23 Was this in Benavides that you borrowed the
24 money from this bank in Benavides?

25 A No, sir.

1 Q From what bank?

2 A The First State Bank and Trust in Rio Grande
3 City.

4 Q When you go to Court Reporting School, I presume
5 you graduate from Court Reporting School?

6 A Yes, sir.

7 Q Do they give you a certificate of something, or
8 do they certify that you can be a Court Reporter when you
9 graduate, or what?

10 A Yes, sir.

11 Q Once you graduate from Court Reporting School,
12 you can just go— You are a Court Reporter then and you
13 can go into any Court and the Judge will hire you. Is
14 that the way it is?

15 A Yes, sir.

16 Q You don't have to take a certification from the
17 Judge or anything like that?

18 A Yes. You have to take a certification with the
19 Judge. Yes, sir.

20 Q Did you take a certification from the Judge?

21 A Yes, sir. I did.

22 Q Who did you take that certification from?

23 A Judge O. P. Carrillo.

24 Q Was this before you went to work for him, or
25 after?

A Before I went to work for him. In September.

1 Q You say— I am a little bit confused, because
2 at first you said that the school certified you and then
3 you said—

4 A No. I was certified by Judge Carrillo.

5 Q Okay. Did he give you a test?

6 A Yes, sir.

7 Q What kind of test did he give you?

8 A It's a Committee of, I believe, two lawyers
9 and Judge Carrillo.

10 Q Who were the two lawyers?

11 A I can't recall. The records are in the District
12 Clerk's Office in Duval County.

13 Q Did they give you a test on the machine, or do
14 they ask you questions?

15 A Yes, sir.

16 Q Do you have to take so many words and get so
17 many of them correct?

18 A Yes, sir.

19 Q Well, what—like what?

20 A 175 words a minute.

21 Q How many errors are you allowed?

22 A I believe five on each page after you transcribe
23 it.

24 Q But you don't remember any of the lawyers?

25 A No, sir. I sure don't. But they are there in

1 the District Clerk's Office.

2 Q You think there were two lawyers?

3 A Yes, sir, I believe so.

4 MR. LANEY: Okay. No further questions,
5 Mr. Chairman.

6 Your Honor, I would like one more question,
7 please, sir. May I?

8 CHAIRMAN HALE: Sure.

9 Q You testified that correspondence that you
10 did for the Judge while you were coming home back and
11 forth for the weekends, what type of correspondence
12 was that?

13 A Settings for trials that were laying there on
14 the desk. I would type them. Settings for trials.

15 Q Did you ever handle any personal correspon-
16 dence?

17 A Well, no.

18 Q You never paid any of the bills for him?

19 A No.

20 Q Or opening his mail or anything?

21 A No.

22 Q Any of his personal work at all?

23 A No.

24 Q Did he have a secretary working for him at the
25 time?

1 A I believe so. Yes, sir.

2 Q She never did the settings. You came home
3 and did that on the weekends?

4 A Yes, sir.

5 Q Do you remember any weekends you did not come
6 home?

7 A I can't recall.

8 Q You came home every weekend?

9 A Yes, sir.

10 CHAIRMAN HALE: Mrs. Thompson I believe is
11 gone. Is Mrs. Weddington? She's not here.

12 Mr. Chavez? Did he leave too?

13 Are there any further questions?

14 Mr. Maloney?

15 BY MR. MALONEY

16 Q Mr. Elizondo, could I get you to sign your
17 name three times on this sheet of paper?

18 A Yes, sir. (The witness complied.)

19 MR. MALONEY: May I have the Court Reporter
20 mark this, please?

21 (The sheet of paper referred
22 to was marked "Exhibit 29,"
 for identification.)

23 MR. MALONEY: Would you please put that
24 back to the witness, please.

25 Q Mr. Elizondo, you have before you some

1 documents that purport to be claims for payment for
2 the County of Duval signed before a Notary Public and
3 sworn to before a Notary Public.

4 A Yes, sir.

5 Q Isn't that correct?

6 A Yes, sir.

7 Q Are those your signatures on those claims for
8 payment?

9 A On this one, sir?

10 Q Yes.

11 A No, sir.

12 Q How about the next one? Turn the page on the
13 next one.

14 A No, sir.

15 Q How about the next one?

16 A No, sir.

17 Q How about the next one?

18 A No, sir.

19 Q How about the next one?

20 A No, sir.

21 Q The next one?

22 A No, sir.

23 Q The next one?

24 A No, sir.

25 Q The next one?

1 A No, sir.

2 Q You did not sign any of those claims for
3 payment?

4 A No, sir.

5 Q Yet each one of them is notarized?

6 A Yes, sir.

7 Q Do you have any idea who signed these?

8 A No, sir, I sure don't.

9 Q Do you recognize that notary signature?

10 A Yes, sir.

11 Q Who is that notary?

12 A I believe that is Jose H. Saenz, I believe.

13 Q Is that the same Jose Saenz that is Judge
14 Carrillo's campaign manager?

15 A Yes, sir. I don't know that he is campaign
16 manager, but he works as a clerk in the office of Judge
17 Carrillo.

18 Q Where do you bank?

19 A In the First State Bank of San Diego and the
20 First State Bank and Trust in Rio Grande City.

21 Q Are those your only two bank accounts?

22 A Yes, sir.

23 Q Under what name are those bank accounts
24 listed?

25 A Robert Elizondo in First State Bank and Trust

1 in Rio Grande City, and in San Diego it's Mr. and Mrs.
2 Robert Elizondo.

3 Q When you were in Houston did you have a bank
4 account in Houston?

5 A No, sir.

6 Q Did you bank at these same banks during that
7 period?

8 A Yes, sir.

9 Q I believe you said that you had your auto-
10 mobile financed at the First State Bank in Rio Grande
11 City. Is that correct?

12 A That's correct.

13 Q Other than that loan, have you ever taken out
14 any other loans with that bank?

15 A I have.

16 Q On how many occasions?

17 A About three more occasions.

18 Q For what purpose?

19 A I bought the house, I bought some furniture,
20 and I just made another loan.

21 Q You just made another loan?

22 A Yes, sir.

23 Q In what amount?

24 A The last one was I believe eighteen hundred
25 dollars.

1 Q Is Judge Carrillo a director in that bank?

2 A I wouldn't know.

3 MR. MALONEY: That's all I have.

4 Mr. Elizondo, would you turn that document to
5 the pages that you identified and said that was not your
6 signature.

7 Mr. Reporter, would you mark those pages as
8 Committee exhibits.

9 (The pages referred to were marked
10 "Exhibit 30," through "Exhibit 37,"
for identification.)

11 MR. MALONEY: All right. If you could
12 give those to the witness, please.

13 Q Mr. Elizondo, I hate to go over it again, but
14 for the purposes of the record, would you state the
15 exhibit number—and I know you are familiar with this,
16 being a Court Reporter—and deny into the record each
17 exhibit number as being your signature.

18 A What do you mean?

19 Q Would you name the exhibit number you're looking
20 at right now.

21 A Exhibit Number 30.

22 Q Does it have a signature on it that purports to
23 be yours?

24 A No, sir. Well, it does.

25 Q Does it?

1 Q Yes, sir.

2 Q Does it bear the name Elizondo?

3 A Yes, sir.

4 Q Is that your signature?

5 A No, sir.

6 Q And what exhibit number is that?

7 A 30.

8 Q Will you turn the page and recite the next
9 exhibit number.

10 A Exhibit 31.

11 Q Is that your signature on Exhibit 31?

12 A No, sir.

13 Q The next exhibit, please.

14 A 32. Exhibit 32.

15 Q Is that your signature on Exhibit 32?

16 A No, sir.

17 Q The next exhibit.

18 A Exhibit 33.

19 Q Is that your signature on Exhibit 33?

20 A No, sir.

21 Q The next exhibit.

22 A Exhibit 34.

23 Q Is that your signature on Exhibit 34?

24 A No, sir.

25 Exhibit 35.

1 Q Is that your signature on Exhibit 35?

2 A No, sir.

3 Q The next exhibit?

4 A 36.

5 Q Is that your signature on 36?

6 A No, sir.

7 Q The next exhibit?

8 A Exhibit 37.

9 Q Is that your signature on exhibit 37?

10 A No, sir.

11 MR. MALONEY: Thank you. That's all I
12 have.

13 The Reporter will take custody of those
14 exhibits, please.

15 CHAIRMAN HALE: Mr. Reporter, the Chair
16 suggests you might want to take those pages out of that
17 booklet in the interest of bulk so the rest of it is
18 not entered in the record here. We're going to have a
19 big enough record as it is.

20 Mr. Kaster?

21 BY MR. KASTER

22 Q Mr. Elizondo, when you were going to Court
23 Reporter school did your wife work?

24 A No, sir.

25 Q She did not?

1 A No.

2 Q What was the tuition at that school?

3 A The tuition was \$4,900— \$4,700.

4 Q \$4,700?

5 A Yes, sir.

6 Q How did you pay that?

7 A Through a student loan in Southwestern Savings
8 in Houston.

9 Q The entire amount?

10 A They paid the school, I believe. I don't
11 know what the transaction was.

12 Q How did you pay that loan back?

13 A I'm still paying it monthly, \$89 a month.

14 Q \$89 a month?

15 A Yes, sir.

16 Q Did anyone have to sign for that?

17 A No, sir.

18 Q Did you get it on your own?

19 A Yes, sir.

20 Q How much were your car payments at that time?

21 A I didn't have to pay the school until I finished
22 or dropped out. At that time I wasn't paying the school.
23 The car payments were \$125 a month.

24 Q How much was your apartment?

25 A \$60 a month.

1 Q \$60 a month. How much did it cost you to drive
2 home back and forth? How much was your gas bill a
3 month?

4 A A month, I couldn't say. Every weekend, two
5 gas tanks full. That's about \$7. \$14 times four, I
6 believe.

7 Q And your food?

8 A Well, my food—

9 Q How much? It cost you something to eat, right?

10 A \$15 or \$20.

11 Q It was costing you more than you were making
12 from the county there. Right?

13 A I believe so. I haven't figured it out. But
14 I would sell a few calves that I had to try and make
15 it up.

16 Q How did you arrange for this loan? I'm
17 curious how you could arrange for a \$4,700 loan just by
18 going and saying you're going to court reporting school.

19 A Through the school. Through the McMahan
20 School.

21 Q Did you have recommendations to go to the
22 school?

23 A No, sir.

24 Q If I wanted to go to court reporting school I
25 can just go down there and they'll give me \$4,700 to go

1 to their school?

2 A I believe so. That is what they did to me. I
3 went to school there.

4 Q I guess you would be interested to know that
5 that college just went bankrupt.

6 A It what?

7 Q The McMahan College has closed up.

8 A Yes. I heard that.

9 Q You were either a pretty good money manager
10 because it looks to me like your outgo was considerably
11 more than your income there, because that's your gross
12 income. I don't know what your take-home pay from that
13 \$225 was.

14 A I was barely making it.

15 Q Did you have any children at this time?

16 A No. I had a baby born in September—in
17 January of '73, I believe.

18 Q So your wife was pregnant during this time
19 while you were finishing up school?

20 A Yes, sir.

21 Q Did you have a home in Benavides at the same
22 time?

23 A No, sir. Living with my parents.

24 Q Did you live with your parents?

25 A Yes, sir.

1 Q You didn't have to make a down payment on
2 the car? Was it a deferred payment on the car or did you
3 have to pay it every month?

4 A I had to pay it every month.

5 Q Do you know Mr. Manges?

6 A I've seen him.

7 Q He's a director on that bank where you
8 borrowed the car, isn't it?

9 A That is what I have heard.

10 Q Judge Carrillo is a director on that bank
11 where you borrowed the car.

12 A I wouldn't know.

13 Q I mean Commissioner Carrillo is a director on
14 that where you borrowed the car.

15 A I don't know. I couldn't tell you. If he
16 is, he is.

17 Q But you were working for the Judge when you
18 went down there to borrow it?

19 A Yes, sir.

20 MR. KASTER: Thank you.

21 CHAIRMAN HALE: Any further questions?

22 (No response.)

23 BY CHAIRMAN HALE

24 Q Mr. Elizondo, did you ever cash any checks at
25 the Cash Store?

1 A Personally, I did.

2 Q Your personal checks?

3 A Yes, sir.

4 Q Did you ever cash any Duval County checks at
5 the Cash Store?

6 A No, sir.

7 Q Or any other store?

8 A No, sir.

9 Q You never did take any Duval County checks
10 and take them in to any place of business or any banking
11 institution and get cash for them?

12 A No, sir.

13 CHAIRMAN HALE: Are there any other
14 questions of this witness?

15 (No response.)

16 CHAIRMAN HALE: Thank you very much,
17 Mr. Elizondo.

18 (The witness, Mr. Roberto Elizondo, was
19 excused.)

20 CHAIRMAN HALE: Mr. Sergeant at Arms,
21 would you call in Mr. Nichols and Mr. Foster I believe
22 are the only two other witnesses standing by outside,
23 aren't they?

24 MR. SERGEANT AT ARMS: Do you want both
25 of them?

1 CHAIRMAN HALE: Yes. Bring them both in.

2 Mr. Tomas Elizondo and Mr. Roberto Elizondo,
3 of course, you are both under—you can keep your seats—
4 you are both under subpoena to the Committee. The
5 Chair is going to authorize you to go on about your
6 business, with the understanding that you both under-
7 stand you are under subpoena and if we need you again
8 we'll let you know. If you don't hear from us, why,
9 you can go on about your business until you hear from us.

10 MR. ROBERTO ELIZONDO: Thank you, sir.

11 CHAIRMAN HALE: Okay.

12 Mr. Nichols, the Chair wants to apologize to
13 you for having you subpoenaed up here today. The only
14 consolation I can say to you is you will be reimbursed
15 for your expenses if you will file a claim for it.

16 Due to the lateness of the hour we are not
17 going to attempt to take any more testimony tonight.
18 And the Chair would ask that you be back up here at
19 1:30 on next Tuesday. That will be June the 3rd,
20 Tuesday, June the 3rd, when we will resume the hearings.

21 VICE CHAIRMAN MALONEY: Mr. Chairman,
22 with the hours we're keeping I think you had better
23 specify you mean 1:30 in the afternoon.

24 CHAIRMAN HALE: 1:30 in the afternoon
25 on Tuesday, June the 3rd.

1 MR. NICHOLS: All right.

2 CHAIRMAN HALE: And as I say, again, the
3 Chair apologizes that we can't get to you tonight.

4 MR. NICHOLS: Sure. Thank you.

5 CHAIRMAN HALE: Unfortunately, we don't
6 have complete control of our own hours right now in
7 conducting these hearings. We're sort of governed by
8 what the rest of the Legislature does. And I hope
9 you'll understand and appreciate it. And we're sorry to
10 have inconvenienced you on this trip up, which proved to
11 be unnecessary.

12 But you are under subpoena and we'll expect
13 you to be back here on Tuesday.

14 MR. NICHOLS: I will be back.

15 CHAIRMAN HALE: Thank you.

16 Has Mr. Foster come in?

17 MR. CANALES: He is down at my office.
18 I'll relay the message to him.

19 CHAIRMAN HALE: I will give him the
20 message or you can relay it to him also.

21 Is there any further business that we need to
22 transact tonight?

23 VICE CHAIRMAN MALONEY: Wait just a
24 moment, Mr. Chairman.

25 Mr. Nichols?

1 Could we swear him in just a moment?

2 CHAIRMAN HALE: All right.

3 Mr. Nichols, would you come back?

4 (The witness was sworn.)

5 CHAIRMAN HALE: Just have a seat there.

6 There's just one or two questions I believe they do
7 want to ask you here this evening, Mr. Nichols.

8 Let me give you a proper warning, if I can
9 find my warning sheet here.

10 It is my duty as Chairman to advise you of
11 your rights with reference to your testimony. You will
12 be sworn to tell the truth and your failure to do so
13 could subject you to a prosecution for perjury.

14 After you have completed your statement,
15 members of the Committee may ask questions concerning
16 your testimony. You must answer these questions
17 truthfully, and your refusal to do so could subject you
18 to punishment for contempt.

19 You can refuse to answer questions only on
20 the ground that such answers might incriminate you, or
21 tend to incriminate you in some way. You are privileged
22 to have an attorney of your selection sit with and
23 advise you as to your answers if you desire. The Chair
24 will attempt to protect your rights at all times.

25 Do you understand the advice I have given you?

1 MR. NICHOLS: Yes, sir.

2 CHAIRMAN HALE: Are you now ready to
3 testify?

4 MR. NICHOLS: Yes, sir.

5 CHAIRMAN HALE: Would you stand and be
6 sworn.

7
8 MR. JOSE R. NICHOLS
9 was called as a witness by the Chair and, being first
10 duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY CHAIRMAN HALE

13 Q Please state your name and your address,
14 please.

15 A Jose R. Nichols, P. O. Box 709, Freer, Texas.

16 Q What is your occupation?

17 A I'm ranch foreman for Duval County Ranch
18 Company.

19 Q Who is the owner of that ranch?

20 A Clinton Manges.

21 Q Do you know where Mr. Manges is at this time?

22 A No, sir, I don't.

23 Q Have you any idea where his whereabouts have
24 been during the past week, four, five or six days?

25 A I saw him Friday night, I believe, in Laredo.

1 CHAIRMAN HALE: Are there any other
2 questions tonight?

3 MR. MALONEY: Just one question.

4 CHAIRMAN HALE: Mr. Maloney?

5 BY MR. MALONEY

6 Q Under what circumstances did you see him at
7 Laredo?

8 A I took one of my men down there to drive his
9 brother home who had broken his arm. Mr. Manges had
10 his brother with him and went into Laredo and called me
11 to bring somebody to drive his brother to Roma.

12 Q The last time you saw Mr. Manges which
13 direction was he headed?

14 A He was headed—well, I saw him at the motel.

15 MR. MALONEY: Thank you.

16 CHAIRMAN HALE: Mr. Nabers has a
17 question.

18 BY MR. NABERS

19 Q Does he reside at 6701 Blanco Road in San
20 Antonio?

21 A No. I believe he has an apartment here in
22 San Antonio.

23 Q What is that apartment?

24 A The Wedgewood Apartments.

25 Q What?

1 A The Wedgewood Apartments.

2 Q Wedgewood Apartments?

3 A Yes. He has had that for years here.

4 Q Do you know what street that is?

5 A It's on Blanco Road. It's right off Loop 410.

6 CHAIRMAN HALE: Any other questions?

7 Mr. Kaster?

8 BY MR. KASTER

9 Q Do you know how long he intends to stay in
10 Laredo?

11 A He's left. Because I called him the next day
12 and he had already checked out.

13 Q You don't know where he went?

14 A No. I don't know. I heard him talking about
15 Houston because him and his bookkeeper were discussing
16 some leases, some oil leases or something.

17 Q Does he have a business address in Houston or
18 an office?

19 A Not that I know of, sir. No. He goes up
20 there quite frequently.

21 Q Does he have a place where he stays when he's
22 in Houston?

23 A I don't know. I don't know where he stays.

24 Q If you talk to him again would you tell him to
25 give us a call? (Laughter!)

1 A I certainly will, sir.

2 MR. CANALES: I believe Mr. Foster is
3 outside also.

4 CHAIRMAN HALE: All right. Are there any
5 other questions of Mr. Nichols here tonight?

6 (No response.)

7 CHAIRMAN HALE: Mr. Nichols, thank you
8 very much. We'll look forward to seeing you Tuesday.

9 A Thank you.

10 (The witness, Jose R. Nichols, was
11 excused.)

12 CHAIRMAN HALE: Any further business to
13 take care of tonight?

14 Is Mr. Foster out there?

15 Mr. Foster is aware of the rules and every-
16 thing. We can tell him.

17 Mr. Maloney moves that the Committee stand
18 recessed subject to the call of the Chair. We will
19 be having one or two business meetings between now and
20 next Tuesday. The Chair will announce those.

21 The next testimony we'll take will be next
22 Tuesday afternoon starting at 1:30 p.m.

23 Is there any objection to the motion of Mr.
24 Maloney?

25 (No response.)

1 CHAIRMAN HALE: The Chair hears none.
2 The Committee stands recessed subject to the call of the
3 Chair.

4 (Whereupon, the hearing was recessed,
5 to be reconvened at 1:30 p.m. on Tuesday, June 3, 1975.)
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