

**INQUIRY CONCERNING A JUDGE
NO. 5**

NOVEMBER 21, 1975

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BEFORE THE
STATE JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A JUDGE, NO. 5

NOVEMBER 21, 1975

CHATHAM & ASSOCIATES
COURT REPORTERS
GUARANTY BANK PLAZA
CORPUS CHRISTI, TEXAS

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1 MR. ODAM: Your Honor, we would like to
2 call a witness out of sequence, Red Craig.

3 MR. MITCHELL: Excuse me, I guess I am
4 going to object. I didn't object on the
5 authentication witnesses and I think
6 rightfully so. I will object now to the
7 calling of witnesses out of order and holding
8 Mr. Couling in the wings, so to speak. It
9 seems it now fractures the presentment of
10 the direct, so that the case gets broken
11 down so the full scope of the case is lost
12 to me.

13 THE MASTER: We interrupted -- the last
14 witness on the stand was Mr. Kurtz and I
15 don't see that the interruption here is going
16 to bother that much, but if Mr. Couling were
17 on the stand, I would be more concerned, but
18 yes, you may call Mr. Craig, Mr. Odam.

19
20
21 WILLIAM A. CRAIG,
22 having been duly sworn by the Court, testified
23 upon his oath as follows:
24

25 E X A M I N A T I O N

1 BY MR. FLUSCHE:

2

3 Q Will you state your full name, please, sir?

4 A William A. Craig.

5 Q Where do you live?

6 A Alice, Texas.

7 Q By whom are you employed?

8 A Plains Machinery.

9 Q How long have you been employed by Plains Machinery?

10 A Since they took over from Jess McNeil, which they
11 purchased about five years ago.

12 Q Five years ago they purchased Jess McNeil?

13 A Yes.

14 Q Did you work for Jess McNeil prior to the time
15 they were taken over?

16 A Yes, sir.

17 Q Approximately how long has that been?

18 A From 1963 on.

19 Q What has been the type of work you have done for
20 Jess McNeil and Plains Machinery?

21 A Field Mechanic work.

22 Q And what sort of equipment do you do mechanical
23 work on?

24 A All types of heavy equipment that we sell.

25 Q Would that include a Caterpillar D-8 dozer?

1 A Yes, sir.

2 Q Do you know Judge Carrillo?

3 A Yes, sir.

4 Q Is he present in the courtroom?

5 A Yes, sir.

6 Q Now, directing your attention -- let me rephrase
7 that.

8 Do you recall an incident where Judge Carrillo
9 bought two D-8 tractors?

10 A Yes, sir.

11 Q Do you recall approximately how long ago that was?

12 A Three years.

13 MR. MITCHELL: We are going to object.

14 The examiner has introduced a contract
15 dated in 1972 for the purchase of these
16 tractors and I introduced the contract for
17 last year. I was afraid that question was
18 going to be loaded, so we are going to
19 object on the grounds it goes beyond the
20 established record.

21 THE MASTER: Overruled.

22 MR. MITCHELL: It would be hearsay as
23 to this witness when he thinks Judge Carrillo
24 purchased them.

25 THE MASTER: If you are suggesting his

1 testimony -- that Judge Carrillo bought these
2 tractors and it means in the legal sense
3 acquired title, I don't admit it for that
4 purpose. I admit it in the sense that he
5 had the use of or acquired it.

6 MR. FLUSCHE: That is the purpose.

7 Q (By Mr. Flusche:) Mr. Craig, in your capacity as
8 field mechanic, have you had an opportunity to
9 visit the Judge's ranch known as the Borjas Ranch?

10 A Yes, sir.

11 Q Have you had occasion to go out to work on the
12 D-8 tractors?

13 A Yes, sir.

14 Q Can you tell the Court when you first went out there?

15 A Soon after they were delivered, I made a couple of
16 trips out there on small problems.

17 Q What sort of problems?

18 A Electrical problems on one and a cable control
19 unit on the other.

20 Q Would that also be about three years ago or
21 shortly after --

22 MR. MITCHELL: Objection, leading.

23 THE MASTER: Sustained.

24 Q All right. Do you remember the serial numbers on
25 those tractors?

1 A One of them is a 470 or 472 and the other one was
2 a 143, something like that.

3 Q All right, sir. Have you had occasion to work on
4 those Caterpillar tractors at other times?

5 A One other time on the same ranch, I helped his man
6 do a final drive job.

7 Q Approximately how long ago was that?

8 A I believe it was something like last year sometime.

9 Q Have you had occasion to work on those Caterpillar
10 tractors at any place other than the Borjas ranch?

11 A Only at the Duval County shop. I disassembled
12 an engine there.

13 MR. FLUSCHE: I believe that is
14 all I have.

15
16 - - - - -

17
18 E X A M I N A T I O N

19 BY MR. MITCHELL:

20
21 Q Red, my name is Arthur Mitchell and I represent
22 Judge Carrillo and I will ask you a few questions.

23 A All right.

24 Q Mr. Craig, you are, I believe, employed as you
25 testified on direct by Plains Machinery Company?

1 A Yes, sir.

2 Q Is that correct?

3 A Yes, sir.

4 Q Is Mr. -- what is his name, Kurtz, is he your
5 boss over there?

6 A Yes, sir.

7 Q All right, I am going to hand you what has been
8 introduced into evidence as two agreements. This
9 is E-160 which shows a purchase of two Cater-
10 pillars, a D -- you see the number on it?

11 A Yes, sir.

12 Q It is 36A470?

13 A Yes, sir.

14 Q And 36A143?

15 A Yes, sir.

16 Q Am I correct?

17 A Yes, sir.

18 Q And that document indicates that there was a
19 contract was December 14, 1972?

20 A Uh-huh.

21 Q Now, I will ask you in terms of having worked on
22 the tractors, looking at that document, does it
23 serve your recollection that those are the two
24 tractors that you worked on, that you testified
25 to in answer to questions put to you by Mr.

1 Flusche?

2 A Yes, sir.

3 Q Are those the two tractors?

4 A Yes, sir.

5 Q Okay. Now, let me ask you, do -- by looking at
6 that date now, can you tell the Court about when
7 it was that you -- let's take the first time you
8 worked on the tractors in terms of times.

9 A It was soon after delivery, I don't know, it
10 might have been two days, it might have been a
11 week.

12 Q All right. Without any question it would be in
13 the early part of 72 -- I mean, the latter part
14 of 72 or the early part of 73?

15 A Yes, sir.

16 Q I'm trying to fix a more specific time when you
17 worked on them, Mr. Craig.

18 A Well, I couldn't specify exact dates unless we
19 have the work orders that we turned in on the job.

20 Q All right, the next time you worked on them then
21 after you -- after the two or three days would
22 be that you mentioned, when would that have been?

23 A Last year, the best of my knowledge. I believe
24 it was last year.

25 Q All right. And did you recall working on them

1 at any other time, other than the two that you
2 mentioned to us?

3 A Only at Duval County shop.

4 Q All right, one that was -- you worked on it, it
5 was tore down, I believe you testified?

6 A Yes, sir.

7 Q Okay, and that was one of them that is shown in
8 that agreement?

9 A I believe it was serial number 470.

10 Q It doesn't appear to be in the same one that is
11 covered by the agreement, does it -- or does it?
12 The one that was in the Duval shop?

13 A Yes.

14 Q All right.

15 A 36A470.

16 Q All right. Now, were you paid for --

17 MR. MITCHELL: Strike that.

18 Q Did you ever work on either of these tractors
19 on the George Parr ranch?

20 A Yes, sir.

21 Q All right, now, you knew Mr. Parr during his
22 lifetime, did you not?

23 A Yes, sir.

24 Q And can you tell the court please when you worked
25 on the equipment at the Parr ranch, and first of

1 all give us the time about when that was.

2 A Well, let's see, probably it was about six months
3 prior to the time Mr. Parr died.

4 Q If he died in April of 1975, it would be some-
5 where along the tail end of 1974?

6 A right.

7 Q Okay, and where was the -- first of all, which
8 equipment, which of the dozers, which of the
9 pieces of equipment can you, can you remember?

10 A I believe it was the 143 was out at the ranch.

11 Q And by out at the ranch, you mean out at the
12 Parr ranch?

13 A Yes, sir.

14 Q Did you work on the -- on any one of those trac-
15 tors at any other time on the Parr ranch other
16 than the one at the tail end of 1975?

17 A No, sir.

18 Q I mean 1974?

19 A No, sir.

20 Q All right, did you work on them at any other
21 place, other than the shop, other than the Borjas
22 ranch or other than the George Parr ranch?

23 A No, sir.

24 Q All right, Mr. Craig, when you worked on the
25 tractor within the last year, which one did you

1 work on, or do you recall?

2 A Well, I worked on both of them.

3 Q On both of them?

4 A Yes.

5 Q And where were they the last time you worked on
6 them?

7 A The last one I worked on was at Duval County shop.

8 Q All right.

9 A Like I told you before, the other one was on the
10 ranch.

11 Q All right, and which ranch was that, the Parr
12 or the Borjas ranch?

13 A The Atlee Parr ranch.

14 Q All right, the first visit that you made on the
15 equipment, I suppose that was within the period
16 of the contract of sale and there was no billing
17 done on that one?

18 A Right.

19 Q The one that you did two or three days after?

20 A Right.

21 Q And then the second one, Mr. Craig, do you know
22 whether a bill was sent out on the second visit
23 that you made to the Borjas ranch to work on?

24 A I am sure it was.

25 Q Do you know who said that, do you recall or have

1 any independent recollection?

2 A No, sir, I don't know who paid the bills.

3 Q All right, and when you worked on it at the --
4 the tractor at the Parr ranch, do you recall
5 whether a bill was sent for that?

6 A I assume it was sent to Mr. Parr, because the
7 tractor was working on his ranch.

8 Q As a matter of fact -- this equipment -- Plains
9 has sold lots of equipment over there, has it
10 not, Mr. Craig?

11 A Yes, sir.

12 Q And as a matter of fact at various times, various
13 people use the equipment that you know of. As
14 a matter of fact, having visited equipment on
15 various persons' ranches at places of business,
16 am I correct?

17 A Yes, sir, different places.

18 Q And isn't it -- well, for example, if you were
19 working on equipment on Judge Carrillo's ranch,
20 the bill would be sent to him and he would pay
21 for that?

22 A I assume that is right.

23 Q And it was -- and if it was working on George
24 Parr's ranch and he had equipment and it broke
25 down there and you worked on it there, the bill

1 would be sent to him, I believe you mentioned on
2 that one time.

3 A Well, unless it was some lease agreement between
4 Mr. Parr and Mr. Carrillo. I don't know how they
5 would handle it.

6 Q All right.

7 A I have no knowledge of that.

8 Q All right, in other words, you don't have any
9 information to really furnish us whether or not --
10 you could tell whether other people would be
11 using the equipment and would be billed for the
12 services?

13 A Well, if Mr. Parr had an agreement with Mr.
14 Carrillo that he would keep the tractor up while
15 it was in his possession, well, I imagine he
16 would pay the bill.

17 Q Right.

18 A And if he was paying full rent to Mr. Carrillo,
19 I imagine Mr. Carrillo would pay the bill.

20 Q And the same would be true if Judge Carrillo had
21 a bill with the Benavides Implement and Hardware,
22 the people that bought it back in 72, but you
23 wouldn't know about that?

24 A No, sir, I wouldn't know about that.

25 Q All right, now, other than the shop, George Parr,

1 Judge Carrillo, do you recall ever having done
2 work for the -- on the tractor at Mr. Couling's
3 request, Mr. Rudolfo Couling?

4 A No.

5 Q Do you know Mr. Rudolfo Couling?

6 A No, sir.

7 Q All right, do you know who the Benavides Imple-
8 ment and Hardware people are?

9 A No, sir.

10 Q All right.

11 MR. MITCHELL: No further questions of
12 this witness, Your Honor.

13 MR. FLUSCHE: May I approach the witness,
14 Your Honor?

15 THE MASTER: Yes, sir.

16 MR. FLUSCHE: Let me look at these just
17 a minute.

18 (Handed to Counsel.)

19
20 - - - - -

21
22 RE - EXAMINATION

23
24 BY MR. FLUSCHE:

25

1 Q Let's see, Mr. Craig, you have testified now that
2 during the last year that you have worked on
3 those tractors at the Duval County shop and at the
4 Atless Parr ranch, have you worked on those trac-
5 tors on Judge Carrillo's ranch in the last year?

6 A Only -- not in -- not this year, no, sir.

7 Q Now, when you say in the last year do you mean
8 that those -- that those repairs at the Atlee
9 Parr and the county took place in 1975?

10 A Yes, sir.

11 Q All right, sir. Let me ask you one other ques-
12 tion. Now, do you know why the tractors were
13 being worked on in the county shops?

14 A No, sir.

15 Q Was there any equipment in the county shops that
16 was available and was not available at the Borjas
17 ranch?

18 MR. MITCHELL: Oh, that would be the
19 rankest of hearsay and speculation.

20 THE MASTER: I agree.

21 MR. FLUSCHE: All right.

22 THE MASTER: Sustained.

23 MR. FLUSCHE: I believe that is all.

24

25

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RE - EXAMINATION

1
2
3 BY MR. MITCHELL:

4 Q Mr. Craig, one more question, the Plains Equip-
5 ment Company, do you all or does it issue work
6 orders authorizing you to go out on a job?

7 A Yes, sir.

8 There is a work order made on every job unless --
9 on the jobs right after delivery, sometimes we
10 don't make a work order on it because it is in
11 the sales contract. We have so much warranty on
12 them, and sometimes it is not made unless it is
13 something that pertains to a lot of parts.

14 Q The first visit, the likelihood is there wouldn't
15 be any work orders that you told us about?

16 A Yes, sir.

17 Q But there would be work orders on these other
18 visits that you have described for the Court, am
19 I correct?

20 A Yes, sir.

21 Q May I ask you please, sir, too -- when you are
22 released by the Court here to see if you can find
23 the work orders on these two tractors and particu-
24 larly if the work was done any other place other
25 than the Parr -- George Parr, on the Atlee ranch

1 and at the Duval County shop and Judge Carrillo,
2 if there were any others, I wish you would null
3 those work orders for me.

4 A There is no other work orders besides those.

5 Q All right, you had an opportunity to examine
6 those before you came up to testify?

7 A No, I didn't, but I'm the only one that went
8 over there and worked on them tractors since he
9 bought them and that is the only place they have
10 been.

11 Q All right, and you would remember that?

12 A Yes.

13 Q Okay.

14 MR. MITCHELL: Thank you, Judge, I
15 have no further questions, Your Honor.

16 MR. FLUSCHE: That is all I have, Your
17 Honor.

18 THE MASTER: Thank you, Mr. Craig, you
19 may step down.

20 (Witness excused.)

21 THE MASTER: Who is your next witness?

22 MR. ODAM: Your Honor, we have available
23 one, two, three, four gentlemen whose testi-
24 mony I believe would be very short. We could --
25

1 I would like to take them out of order
2 because Mr. Couling, I think, is going to
3 take a very long time on both direct and
4 cross.

5 I think their testimony would tie in
6 perfectly with what the interruption has
7 been thus far.

8 THE MASTER: That is fine.

9 MR. ODAM: I would call Mr. Crisoforo
10 Chapa and Mr. Chapa has indicated that he
11 would like to have the interpreter and I
12 would like to ask Mr. Abarca to come in.

13 THE MASTER: All right.
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1 MR. ODAM: We will call as our next
2 witness Crisoforo Chapa.

3
4
5 CRISOFORO CHAPA,
6 having been duly sworn by the Court, testified
7 upon this oath, through the Interpreter, Tony
8 Abara, as follows:

9
10 THE MASTER: Mr. Chapa, you may
11 understand some of the questions addressed
12 to you in English, but I want you to wait
13 until Mr. Abarca has translated so you will
14 be certain that you understand the question
15 and answer the question in Spanish and Mr.
16 Abarca will translate.

17 THE WITNESS: Yes, sir.

18 THE MASTER: You may proceed, Mr. Odam.

19
20
21 E X A M I N A T I O N

22 BY MR. ODAM:

23
24 Q Please state your full name for the record.

25 A Crisoforo Chapa.

1 Q Where do you live?

2 A Benavides.

3 Q And what is your type of employment?

4 A Welder.

5 Q By whom are you employed?

6 A I, myself?

7 Q Are you an employee of Duval County?

8 A No, sir.

9 Q You work for people who pay you to do jobs?

10 A Yes, sir.

11 Q Have you ever been on the Borjas ranch?

12 A Yes, sir.

13 Q Have you gone on the Borjas Ranch to do work?

14 A Yes, sir.

15 Q By whom were you employed to do work on the Borjas?

16 A O. P. Carrillo.

17 Q When did he employ you to do work on the Borjas?

18 A It was in 1973.

19 MR. MITCHELL: Excuse me, Judge, I
20 suppose this is as good a time as any to
21 object. We are going to object to all the
22 testimony that predates the certificate of
23 election of Judge Carrillo; also any
24 testimony beyond the scope of the notice of
25 formal hearing and in addition, we are going

1 to object to the introduction of any
2 testimony that relates to non-judicial
3 acts on the theory that the only relevancy
4 would be those arising in the performance
5 of his duties of the 229th Judicial District
6 Court.

7 THE MASTER: Objections are overruled.

8 Q (By Mr. Odam:) You worked in 1973 on the Borjas,
9 were there any other years you worked on the
10 Borjas?

11 A I worked in '73 and a portion of '74.

12 Q When you performed the work on the Borjas during
13 those years, what work did you actually perform
14 on the Borjas?

15 A Repairing the tractors.

16 Q Could you describe the tractors you worked on?

17 A There were two 36-A tractors that he had.

18 Q When you say two 36-A tractors, do you mean two
19 different tractors?

20 A Yes, sir.

21 Q Do you know the brand name of those tractors?

22 A Caterpillar.

23 Q Would you describe their physical appearance?

24 THE INTERPRETER: He doesn't understand.

25 Q What do they look like?

1 A Caterpillar tractors built by Caterpillar.

2 Q Could you state, if you know, where the Caterpillar
3 tractors came from?

4 MR. MITCHELL: That would be hearsay.
5 We object.

6 THE WITNESS: Where did he purchase them
7 or what?

8 Q If you know, yes.

9 A He told me that he had bought them from Plains
10 Machinery.

11 Q Who is he?

12 A Mr. O. P. Carrillo.

13 Q What type of work did you do on the two Caterpillar
14 tractors?

15 A Build the tracks on one and the idles. I just built
16 the idles and the sprockets.

17 Q Were you paid by check or cash by Judge O. P.
18 Carrillo?

19 A I was paid by check from his own money.

20 Q The checks that you were paid, do you recall how
21 much you were paid?

22 A There were several jobs that I did for him. One
23 job that I did on one tractor was one thousand
24 one hundred and some amount and the other was eight
25 hundred; several jobs that I would go back on to

1 do repair to them.

2 Q Did you ever see the two 36-A Caterpillars when they
3 were not on the Borjas ranch?

4 A I saw one of them doing a job on a tract of land
5 he has at Benavides.

6 Q When you say he, who do you mean?

7 A O. P. Carrillo.

8 THE MASTER: I don't think he quite got
9 your question.

10 Q When you say he had the tract of land near Benavides,
11 who is the he, who had the tract of land?

12 A O. P. Carrillo.

13 Q Could you state, if you know, if you ever saw the
14 Caterpillar performing work for Duval County?

15 A No, sir.

16 Q Are you employed by Benavides Implement and
17 Hardware?

18 A No.

19 Q Do you know Rudolfo Couling?

20 A Yes.

21 Q Did Senor Rudolfo Couling ask you to perform work
22 at any time on the tractors?

23 A No, sir.

24 Q Did he ever give you any instructions with respect
25 to either of the Caterpillars?

1 A Who?

2 Q Rudolfo Couling?

3 A No, sir.

4 MR. ODAM: Pass the witness.

5

6

7

E X A M I N A T I O N

8

BY MR. MITCHELL:

9

10 Q Mr. Chapa --

11 MR. ODAM: I do have one further
12 question.

13

14

15

FURTHER EXAMINATION

16

BY MR. ODAM:

17

18 Q Mr. Chapa, are you related to Ruben Chapa?

19 A I am his father.

20 Q Are you related to Tete Chapa?

21 A I am his father also.

22

MR. ODAM: Passthe witness.

23

24

25

E X A M I N A T I O N

1
2 BY MR. MITCHELL:

3
4 Q And you are also related to Oscar Sanchez?

5 A He is my son-in-law.

6 Q Mr. Chapa, the two tractors, the 36-A-143 and the
7 36-A-470, you have done work on those tractors on
8 the George Parr ranch, too, have you not?

9 A No.

10 Q Have you done work on those tractors on any other
11 ranches other than the Borjas Ranch?

12 A No, sir.

13 Q Do you do other welding work for Judge Carrillo
14 as well as -- strike that. I will withdraw that.

15 Do you do welding work for other persons in
16 Duval County who are willing to pay you?

17 A Yes, sir.

18 Q And that would, of course, include George Parr?

19 A If he paid me, yes.

20 Q You did some welding work on the Parr ranch, didn't
21 you?

22 A No, sir, never.

23 Q You did work for Judge Carrillo?

24 A For Judge Carrillo, yes.

25 Q When do you recall, Mr. Chapa, was the first time

1 you worked for Judge Carrillo?

2 A Well, it was in 1973 in May or about then.

3 Q Mr. Chapa, now, in my last question, I had reference
4 to any and all welding work for Judge Carrillo,
5 not only on the tractors, but other than the work
6 on the tractors.

7 A I fixed his cattle trailers one time and did small
8 jobs.

9 Q When was the first time you did work for Judge
10 Carrillo?

11 A It was in May of 1973.

12 Q And when was the last time you had done work for
13 him?

14 A It was in 1974, but I am not too certain on what
15 month it was, if it was March or April, but around
16 then.

17 Q Can you tell us whether in each instance Judge
18 Carrillo paid you personally for your work?

19 A Yes, sir.

20 Q Did you know, Mr. Chapa, whether or not any of those
21 tractors the 36-A tractors, had done work on the
22 Parr ranch?

23 A I do not know, sir, because I never visited those
24 places.

25 Q At the time that you did work on the tractors on

1 the Borjas ranch, Mr. Chapa, there was only one
2 tractor there, is that a fact?

3 A Yes.

4 Q And did you happen to know of your own personal
5 knowledge were the other one was?

6 A Yes, they said it was working over at the George Parr
7 ranch.

8 Q Other than the George Parr ranch and the Borjas
9 ranch, do you know of your own personal knowledge
10 whether either one of these tractors has ever done
11 work for anybody else in Duval County?

12 A I do not know, sir.

13 MR. MITCHELL: No further questions.

14 MR. ODAM: That is all we have.

15 THE MASTER: You may step down and
16 you are through to go, Mr. Chapa.

17 MR. ODAM: Mr. Abarca, you might
18 stick around, if you will, and ask the next
19 witness, Mr. Arnaldo Amaras if he will need
20 an interpreter.

21 MR. ABARCA: The witness says he
22 can testify in English, Your Honor.

23 THE MASTER: Very well.

24

25

1 ARNALDO AMARAZ,
2 having been duly sworn by the Court, testified
3 upon his oath as follows:
4

5 E X A M I N A T I O N

6 BY MR. ODAM:
7

8 Q Would you please state your full name for the
9 record?

10 A Arnaldo Amaras.

11 Q Amaras, is that close to the correct pronunciation?

12 A Yes.

13 Q Where do you live?

14 A Benavides.

15 Q By whom are you employed?

16 A Right now?

17 Q Yes.

18 A Honcho Drilling Company.

19 Q What type of work do you do for Honcho Drilling
20 Company?

21 A Roughneck.

22 Q How long have you lived in Benavides, Texas?

23 A Well, since I was born.

24 Q How old are you?

25 A 28.

1 Q Have you ever been on the Borjas ranch?

2 A Yes.

3 Q When you went on the Borjas ranch, could you state
4 a date or time you went to the Borjas ranch?

5 A I guess I started on February or March of '73.

6 Q And what was the nature of your employment in
7 February or March, 1973, what did you do?

8 A Operated the bulldozer.

9 Q Could you describe the bulldozer that you operated,
10 what did it look like?

11 A It was a D-8 Caterpillar.

12 Q And could you state, if you know, to whom that
13 Caterpillar belonged?

14 MR. MITCHELL: That would be hearsay.

15 We object.

16 THE MASTER: Counsel is correct unless
17 you show the basis of his knowledge.

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1 MR. ODAM: All right, sir, let me
2 rephrase the question.

3 Q Who employed you to work on the Caterpillars?

4 A Who employed?

5 Q Yes, who hired you to work on the Caterpillars?

6 A Well, Fidel and O. P.

7 Q Who is Fidel?

8 A Fidel Saenz.

9 Q Fidel Saenz and who else?

10 A O. P.

11 Q And when you began to work in February or March
12 of 1973, then for how long a period of time did
13 you work on the Borjas?

14 A Say about a year.

15 Q A year?

16 A Yes.

17 Q And what was the nature of your employment the
18 entire time working on the bulldozer?

19 A Yes.

20 Q Did you do any other work besides working on the
21 bulldozer?

22 A Just the bulldozer.

23 Q Now the bulldozer that you operated, did it have
24 any types of marks on it as to name, identifica-
25 tion?

1 A Not that I remember.

2 Q The bulldozer you operated, did you -- did you
3 live on the Borjas?

4 A No.

5 Q Where did you live?

6 A Benavides.

7 Q And you wouldn't go out there on -- could you
8 describe, did you go out there on a day to day
9 basis, occasionally or what -- how frequently
10 did you go out there?

11 A Well, five days a week, Monday through Friday.

12 Q And was there any other type of work that you per-
13 formed on the Borjas other than operate the bull-
14 dozer?

15 A Just operate the bulldozer.

16 Q And what would you do with the bulldozer on the
17 Borjas?

18 A Root plow and rack.

19 THE MASTER: Your answer was root plow
20 and rack?

21 A Yes, sir.

22 Q And when you did the root plowing and racking,
23 who paid you, actually gave you money?

24 A O. P.

25 Q And how did Judge Carrillo give you the money, was

1 it in cash or check?

2 A Personal check.

3 Q When you gave -- when he gave you the personal
4 check, if you recall, how much were you paid?

5 A Three hundred dollars a month.

6 Q Three hundred a month?

7 A Yes.

8 Q Have you ever been employed by the county of
9 Duval?

10 A No.

11 Q Have you ever seen these -- correction, have you
12 ever seen the caterpillar that you operated per-
13 forming work for Duval County?

14 A No.

15 Q Are you -- have you heard the name Benavides
16 Implement and Hardware Store before?

17 A That, I don't remember.

18 Q Have you ever been employed by Benavides Imple-
19 ment and Hardware?

20 A No.

21 Q Do you know Mr. Rudolfo Couling?

22 A Do I know him?

23 Q Yes.

24 A Just a little bit, not very much.

25 Q Does Mr. Couling ever give you any instructions

1 with respect to the Caterpillar?

2 A No.

3 Q Did you ever have any conversation with Mr.
4 Couling about operating the Caterpillar?

5 A No.

6 Q Your conversations then were only with Judge
7 Carrillo and with Mr. Fidel Saenz?

8 A Yes.

9 Q Did you ever operate the Caterpillars anywhere
10 other than on the Borjas?

11 A George Parr's ranch.

12 Q And when you operated the Caterpillar on George
13 Parr's ranch, who instructed you to go to George
14 Parr's ranch?

15 A Well, -- well, who sent me over there, you mean?

16 Q Yes.

17 A O. P.

18 Q Judge Carrillo sent you with the bulldozer over
19 to George Parr's ranch?

20 A Yes.

21 Q And how frequently did you operate the bulldozer
22 on George Parr's ranch?

23 A Two or three months, I guess.

24 Q And what type of work did you do there?

25 A Root plow.

1 Q And who paid you to do that work?

2 A O. P.

3 Q And how much did Judge Carrillo pay you to do
4 the work on George Parr's ranch?

5 A The same, three hundred dollars a month.

6 Q Did you ever see anyone else operating the bull-
7 dozer?

8 A The one I used to operate?

9 Q Yes.

10 A No, sir.

11 Q Did you see, at any time, more than one bull-
12 dozer out on the Borjas?

13 A No.

14 Q The one bulldozer that you saw out on the Borjas
15 I believe it is your testimony earlier the only
16 place you saw it was on George Parr's ranch when
17 you operated it, is that correct?

18 A Right, correct.

19 MR. ODAM: Pass the witness.
20

21 - - - - -
22

23 E X A M I N A T I O N
24

25 BY MR. MITCHELL:

1 Q Mr. Almaraz, do you know of your own personal
2 knowledge in 1973 whether Judge Carrillo had
3 these two bulldozers leased or not? Do you know
4 whether --

5 A Say that question again, please.

6 Q Do you know that in 73 when you did the work
7 about which you have testified to that he had
8 these bulldozers leased or rented?

9 A I guess they were rented.

10 Q And how would you -- how did you know that they
11 were rented, if you --

12 A That is what I heard.

13 Q Now, did you do any work on the Borjas ranch on
14 these Caterpillars at any other time other than
15 in 1973 that you recall? Perhaps over into 74.

16 MR. MITCHELL: If I may be permitted to
17 lead him a bit, Judge.

18 Q Or any other time after 1973, do you recall at
19 all?

20 A Repeat that.

21 Q Do you know of any other time, I believe you have
22 testified in answer to the question put to you by
23 Mr. Odam, with the Attorney General's office, that
24 you went to work sometime in February or March
25 of 1973 operating the bulldozer on the Borjas

1 ranch and worked right on through 1973.

2 Now, my question is, is that the only time
3 that you did any work was that one year?

4 A Yes.

5 Q All right. Now, and is it your testimony that
6 during that same year that you went over to the
7 George Parr ranch with one of the bulldozers to
8 do some root plowing over there on it? Would
9 that have been also in 73, do you remember?

10 A I guess it was in 73, I am not very sure.

11 Q All right, but you do -- you are sure that during
12 the time you worked for Judge Carrillo or at the
13 time you worked on the George Parr ranch, with
14 the bulldozer, that Judge Carrillo paid you, paid
15 your salary of three hundred a month, am I correct?

16 A Correct.

17 Q All right, and do you recall having done any
18 work on any other person's ranch at any time
19 with these -- with these bulldozers?

20 A No.

21 O All right.

22 MR. MITCHELL: No further questions.

23 Thank you, Your Honor.

24 MR. ODAM: No further questions, Your

25 Honor.

1 THE MASTER: You are free to go, thank
2 you, very much.

3 MR. ODAM: The next witness, Your Honor,
4 is Mr. Abel Ruiz.

5
6 - - - - -

7
8 ABEL RUIZ,
9 having been first duly sworn, testified upon his
10 oath as follows, to-wit:

11
12 E X A M I N A T I O N

13
14 BY MR. ODAM:

15 Q Would you please state your full name?

16 A Abel A. Ruiz.

17 Q And where do you reside, where do you live?

18 A Bensvides, Texas.

19 Q Were you served with a subpoena to be here this
20 morning?

21 A Yes, sir.

22 Q By whom are you presently employed?

23 A Who --

24 Q Who pays you right now, who do you work for?

25 A Edwin Cox.

1 Q Edwin?

2 A Yes.

3 Q And what was the last word, operators?

4 A I just work on the field, oil field.

5 Q What type of work do you do for Edwin Cox?

6 A Just labor.

7 Q Labor?

8 A Yes.

9 Q How long have you lived in Benavides, Texas?

10 A All my life.

11 Q Do you know Judge O. P. Carrillo?

12 A Yes, sir.

13 Q Can you identify him as being present in the
14 courtroom today?

15 A Uh-huh.

16 Q Now, Mr. Ruiz, have you ever had occasion to be
17 on the Borjas ranch? Have you ever been on the
18 Borjas ranch?

19 A Yes, sir.

20 Q Do you recall the date or times that you have
21 been on the Borjas ranch?

22 A Well, I just remember exactly -- I don't remember
23 what month it was but it was in 1973.

24 Q 1973?

25 A Yes.

1 O And when you went out on the Borjas ranch for
2 what purpose, why did you go on the Borjas ranch?

3 A Why did I -- what land was I on or what?

4 Q Say again.

5 A What the land belongs to?

6 Q No, why did you go on the Borjas?

7 A I went to work with the Caterpillar.

8 Q And when you went on the Borjas ranch, you worked
9 on a Caterpillar?

10 A Right.

11 Q How many Caterpillars did you see on the Borjas
12 ranch?

13 A There were two in there.

14 Q Two Caterpillars?

15 A Right.

16 O The Caterpillars, did you work on both Caterpillars
17 or just on one?

18 A Just on one.

19 O Did you at any time see anyone else working on a
20 Caterpillar on the Borjas?

21 A Fidel Saenz was working with me.

22 Q Fidel Saenz?

23 A Yes.

24 O And when you worked on the Borjas, who actually
25 hired you to work on the Borjas?

1 A Mr. O. P. Carrillo.

2 Q Judge O. P. Carrillo?

3 A Yes, sir.

4 Q Do you recall what Judge O. P. Carrillo said to
5 you when he wanted you to go to work out on the
6 Borias?

7 A Uh-huh.

8 Q What did he say?

9 A Well, he told me if I wanted to run a dozer for
10 him and I said all right, I will go ahead.

11 Q And when you went out there for how long a
12 period of time, how many days or months or --

13 A I worked three months.

14 Q Three months?

15 A Yes.

16 Q And when you worked those three months, how many
17 days a week did you work?

18 A I worked five days a week.

19 Q Do you recall how much you were paid during those
20 five days a week for the three months?

21 A I was getting three hundred dollars a month.

22 Q And who actually paid you the monthly -- from
23 whom --

24 A Mr. -- Judge O. P. Carrillo.

25 Q Judge O. P. Carrillo?

1 A Personal check.

2 Q That was my next question, did he pay you in cash
3 or by check.

4 A Check.

5 Q And was the check on his personal account, if
6 you recall?

7 A Yes, sir.

8 Q And the check that he paid you, did you ever work
9 the Caterpillar or the Caterpillars any place
10 other than the Borjas ranch?

11 A Just on the Borjas ranch.

12 Q Just on the Borjas ranch?

13 A Yes, sir.

14 Q And did you at any time ever see that Caterpillar
15 when it was not on the Borjas ranch?

16 A No.

17 Q Could you describe again what type of actual
18 work that you would do on the Caterpillar.

19 A I was plowing.

20 Q Plowing?

21 A Root plowing.

22 Q Say again.

23 A Root plowing.

24 Q Root plowing?

25 A Yes.

1 MR. ODAM: Pass the witness.
2
3
4

5 EXAMINATION
6

7 BY MR. MITCHELL:

8 Q Mr. Ruiz, can you tell the Judge who you have
9 talked to about this case? Who talked to you
10 about the case before you came up here to testify?

11 A Who talked to me?

12 Q Yes, have you talked to anybody about what your
13 testimony was to be?

14 A No, I haven't talked to anybody.

15 Q Nobody has talked to you at all about your testi-
16 mony?

17 A They just took me a subpoena to come up here.

18 Q And when did you get your subpoena?

19 A It was, I guess, Wednesday when I got it.

20 Q Had anybody talked to you before you got your
21 subpoena about what your testimony is?

22 A No, they talked to me in San Diego one time.

23 Q All right. Do you know who -- whether it was a
24 member of the Attorney General's staff?

25 A Uh-huh.

- 1 Q Do you know who it was?
- 2 A A Texas Ranger, I guess, I don't know.
- 3 Q Was there a Mr. Powell?
- 4 A I don't know.
- 5 Q Mr. Martinez?
- 6 A I don't remember who -- what his name was.
- 7 Q Was it a big, tall man, Mr. Woods?
- 8 A A big, old tall man.
- 9 Q Was that at the courthouse there in San Diego?
- 10 A No, it is -- it used to be a money bank, the
- 11 old money bank before.
- 12 Q The old bank building now used by the Attorney
- 13 General's staff there?
- 14 A I guess it was.
- 15 Q The second floor?
- 16 A The second floor, yes, sir.
- 17 Q And how did you get up there?
- 18 A They sent a Texas Ranger to Benavides and picked
- 19 me up.
- 20 Q And how many people talked to you?
- 21 A About one or two. They were asking me questions.
- 22 Q Asked you about the things that you have been
- 23 asked about today?
- 24 A Yes, sir.
- 25 Q Is that correct?

- 1 A The same things today.
- 2 Q And what you have told them then is what you
3 told us today?
- 4 A Right.
- 5 Q And do you know that one of these dozers, in 1973,
6 actually did some work on other people's ranches,
7 or do you know, Mr. Ruiz?
- 8 A I don't know.
- 9 Q You know -- do you know as a matter of fact I
10 believe one of them was on the George Parr ranch.
- 11 A I don't know, I wasn't there when they sent it.
- 12 Q Any work that you did do for Judge Carrillo,
13 though --
- 14 A Right.
- 15 Q Judge Carrillo paid you out of his own pocket?
- 16 A Right.
- 17 Q And I believe you did only about three month's
18 work, is that correct?
- 19 A More or less.
- 20 Q And did you know Arnaldo Almaraz?
- 21 A Yes, sir.
- 22 Q And I believe you were replacing him or spelling
23 him for the work?
- 24 A He replaced me.
- 25 Q You all were doing the same work, essentially, on

1 the Judge's ranch, with the same equipment, the
2 same year?

3 A Well, I guess they did.

4 Q All right.

5 A I didn't -- when I quit there, I didn't know
6 what was going on there from then on.

7 O Now, have you done any other work for Judge
8 Carrillo at any other time, other than the time
9 that you testified to, Mr. Ruiz, that is the
10 three months there in 1973?

11 A Right.

12 O Have you done any other work at any other time
13 for him?

14 A With the Caterpillars?

15 Q Yes, sir.

16 A No, sir.

17 MR. MITCHELL: Could I have just one
18 minute, Judge.

19 (Discussion off the record.)
20

21 Q Was Mr. Fidel Saenz on the ranch when you were
22 working there?

23 A Me and him were working together.

24 Q You know Fidel Saenz?

25 A Yes, sir.

1 Q And he was working for Judge Carrillo and did in
2 1973?

3 A Yes, sir.

4 Q Did you know Mr. Ruiz, of your own personal
5 knowledge, whether those tractors were rented
6 by Mr. Carrillo?

7 A I don't know, I didn't --

8 Q All right.

9 MR. MITCHELL: No further questions,
10 Your Honor.

11 MR. ODAM: No further questions, Your
12 Honor.

13 THE MASTER: You may step down, Mr.
14 Ruiz, and you are free to go.

15 MR. ODAM: We call as our next witness
16 Mr. Fidel Saenz.

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18 - - - - -
19
20 FIDEL SAENZ,

21 having been duly sworn, testified upon his oath as
22 follows, to-wit:

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BY MR. ODAM:

Q Would you please state your name.

A Sir?

Q Can you hear me?

A I am hard to hear, talk a little louder, please.

MR. ODAM: Your Honor, may I stand over
to the side?

THE MASTER: You may stand right up
there if you wish.

MR. ODAM: That is fine.

THE MASTER: You certainly may.

Q Can you hear me better here?

A Yes.

Q Would you please state your full name, sir?

A Sir?

Q Which is your good ear?

A This one.

Q All right.

MR. ODAM: May I stand over here?

THE MASTER: Yes, you may.

Q Would you please state your full name?

A Yes, Fidel Saenz, capital F-I-D-E-L.

Q Would you like to have a Spanish interpreter
talk to you and him talk to you in Spanish, and

1 my questions, would that help you?

2 A I don't know, if I can hear well I can answer
3 them.

4 Q (By Mr. Odam) MR. ODAM: Do you want me to proceed
5 in English?

6 A And how? THE MASTER: I think so. You are
7 all fluent in English, are you not?

8 A What? THE MASTER: You speak English well, do
9 you not?
10 you not?

11 A Well, just enough to understand, I guess.

12 THE MASTER: All right.

13 MR. ODAM: It might be best. Your

14 Honor, if Mr. -- if Mr. Abarca is generally
15 available we could use him, if he is not --

16 MR. PIPKIN: He is busy at the moment.

17 MR. ODAM: Is he right outside?

18 MR. PIPKIN: No, he is occupied.

19 MR. ODAM: All right, we will go ahead.

20 THE MASTER: Mr. Mitchell, if you wish,

21 would you consult with your client and see

22 if he thinks that this man can testify in

23 English.

24 MR. MITCHELL: Yes, he informs me that

25 he speaks fluent English.

1 THE MASTER: I think it is just a
2 hearing problem.

3 MR. MITCHELL: Yes, sir.

4 Q (By Mr. Odam:) Mr. Saenz, where do you live?

5 A Benavides, Texas, Duval County.

6 Q And how long have you lived in Benavides?

7 A All my life.

8 Q And by whom are you presently employed, who do
9 you work for?

10 A O. P. Carrillo.

11 Q And what do you do for O. P. Carrillo?

12 A I run a root plow tractor for him.

13 Q And how long have you worked for O. P. Carrillo?

14 A Every since December 20th, 1972.

15 Q And where did you work before that?

16 A I worked different jobs, you know, for road
17 contractors and stuff like that: roughnecking
18 sometimes.

19 Q And who hired you in 1972?

20 A Mr. Carrillo.

21 Q Judge O. P. Carrillo?

22 A Yes, sir.

23 Q Do you recognize him as being in the courtroom
24 today?

25 A Yes, sir.

1 Q Do you know when you worked, you mentioned the
2 root plow, where did you work with root plows?

3 A At his place.

4 Q Which place is that?

5 A Borjas ranch, west of Benavides.

6 Q Did you ever work --

7 MR. ODAM: Correction, strike that.

8 Q What type of equipment did you work on on the
9 Borjas?

10 A It was a root plow, mowing brush, clearing brush.

11 Q What type of machine was it?

12 A D8 Caterpillar.

13 Q And how many Caterpillars, if you know, were on
14 the Borjas?

15 A Two.

16 Q You saw two Caterpillars?

17 A Sir?

18 Q You saw two Caterpillars?

19 A Yes.

20 Q Do you know who the Caterpillars belonged to?

21 A Well, the best I understand, he rented them from
22 the Plains Machinery in Corpus Christi.

23 Q All right, sir, now --

24 A Corpus Christi, Texas.

25 Q Have you ever worked for Judge O. P. Carrillo anywhere

1 belonging to Judge O. P. Carrillo?

2 A No, sir.

3 Q Do you know whether or not the Caterpillars were
4 ever on any other land, other than that belong-
5 ing to Judge O. P. Carrillo?

6 A Other land you say?

7 Q Yes.

8 A He loaned one of them the first time to George
9 B. Parr, yes.

10 Q And do you know when that would be?

11 A I don't remember exactly. The first time, the
12 first one was taken there in 1974, I guess, 73,
13 something like that.

14 Q To George Parr's ranch?

15 A Yes, sir.

16 Q Did you work on the Caterpillar on George Parr's
17 ranch?

18 A No, sir, another operator did.

19 Q Do you know who worked on there?

20 A Arnoldo Almaraz.

21 Q All right, did anyone work on the Caterpillars
22 on the Borjas other than you?

23 A Yes.

24 Q Who were they?

25 A Abel Ruiz and Arnoldo Almaraz.

1 Q And when you worked on the Borias, who paid you?

2 A Mr. Carrillo, O. P. Carrillo.

3 Q And how much did he pay you?

4 A Three hundred dollars a month.

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1 Q And you have worked there since December 20,
2 1972?

3 A Yes.

4 Q Until the present time?

5 A Until the present time.

6 Q And you still work there?

7 A Yes.

8 Q Now, when you were paid, who actually paid you?

9 A He did.

10 Q Did he pay you cash or by check?

11 A His personal check.

12 Q Was the check on his account?

13 A Yes.

14 Q Do you recall what bank it was on?

15 A I think it was the South Texas Bank in Alice.

16 Q Have you ever heard of Benavides Implement and
17 Hardware?

18 A No, sir.

19 Q Have you ever heard of Mr. Rudolfo Couling?

20 A Yes, he was working in the tax collector's office.

21 Q Did Mr. Couling ever have any conversation with
22 you about the Caterpillars?

23 A No.

24 Q Did he ever ask you to work on the Caterpillars?

25 A No.

1 Q Did you ever work for Duval County?

2 A No, sir.

3 Q Do you know whether those Caterpillars ever did
4 work for Duval County?

5 A No.

6 Q Is your answer no, they didn't, or you don't know?

7 A They didn't.

8 Q Did they do work for the county?

9 A No.

10 Q They never did?

11 A No.

12 Q They only did work on the Borjas ranch and George
13 Parr's ranch?

14 A Right.

15 MR. ODAM: Passthe witness, Your
16 Honor.

17

18

19

E X A M I N A T I O N

20

BY MR. MITCHELL:

21

22 Q Mr. Saenz, I am Arthur Mitchell from Austin, Texas,
23 and I represent Judge Carrillo.

24 A Glad to know you.

25

Q Have you ever seen me before?

1 A No, sir.

2 Q Can you hear me all right?

3 A Can you talk a little bit louder?

4 Q All right. Can you tell us who has talked to you
5 about your testimony here today?

6 A About what?

7 Q Who have you talked to before you came up here
8 today to testify?

9 A Nobody.

10 Q Did the Rangers come up and talk to you?

11 THE MASTER: The only problem is the
12 phrasing of your question. I could under-
13 stand that to mean did he talk to anybody
14 about his testimony today.

15 MR. MITCHELL: Thank you.

16 Q Did you go to San Diego and talk to anyone about
17 your testimony, Mr. Saenz?

18 A No, sir.

19 Q You have been working for Judge Carrillo since
20 December, 1972?

21 A That is right.

22 Q And you have worked on the Borjas Ranch?

23 A Yes.

24 Q The Floria ranch and the Bidal ranch?

25 A Yes.

1 Q And you have been employed by Judge Carrillo and
2 nobody else?

3 A That is right.

4 Q And on the two tractors you were asked about in
5 your testimony, your testimony was that to your
6 knowledge, Judge Carrillo had rented them? You
7 testified earlier those tractors had been rented
8 by Judge Carrillo?

9 A Yes.

10 Q Can you tell us how many times the tractors were
11 over at the George Parr ranch from 1972 until
12 George Parr killed himself in 1975?

13 A Two different times.

14 Q When was the last time the tractors were over at
15 the George Parr ranch?

16 A The last one was over there when he killed himself.

17 Q As a matter of fact, weren't there times when
18 both tractors were over at the Parr ranch?

19 A Yes, one of them was.

20 Q Do you remember ever when both tractors were over
21 at the Parr Ranch?

22 A One of them was taken over the first time and then
23 the other one, different times.

24 Q Do you know whether both of them were at the Parr
25 ranch when Mr. Parr killed himself?

1 A No, just one of them.

2 Q All right. During this time, Mr. Saenz, that you
3 worked with these tractors -- first, let me
4 ask you, you were paid by Judge Carrillo on his
5 personal check, is that correct?

6 A Yes.

7 Q The gas and oil that went into those tractors,
8 do you know Judge Carrillo bought that gas and oil?

9 A That is correct.

10 Q Do you know whether, in 1973, he was paying the
11 rent on the tractor ?

12 A He was paying the rent.

13 Q Do you know of anybody else's money or the county
14 money or anybody else's money that ever went to
15 pay for those tractors?

16 A No, sir.

17 MR. MITCHELL: No further questions.

18 MR. ODAM: No further questions.

19 THE MASTER: Thank you, Mr. Saenz, you
20 are free to go.

21 MR. ODAM: We will recall Mr. Rudolfo
22 Couling.

23

24

25

1 RUDOLFO COULING

2 was recalled as a witness and having been
3 previously sworn, testified upon his oath
4 as follows:

5
6 THE MASTER: Mr. Couling, step back
7 up. You are still under oath, of course.

8 THE WITNESS: Yes, sir.
9

10
11 E X A M I N A T I O N

12 BY MR. ODAM:
13

14 Q Mr. Couling, as the Court just instructed you,
15 you are still under oath.

16 A Yes, sir.

17 Q Just like you were yesterday and the day before?

18 A Yes, sir.

19 Q When you were testifying yesterday, we had gotten
20 to the point, before we interrupted your testimony,
21 into the examination of E-95. I believe you
22 identified that as being filled out by you?

23 A Yes, sir.

24 Q I show you E-96. Could you state for the record
25 whether or not the amounts of money on the claim

1 jacket, E-96, is the same as you filled out for
2 E-95?

3 A They are both the same.

4 Q And I show you what has been marked E-97, which is
5 a check in payment of that claim, is the amount
6 the same?

7 MR. MITCHELL: Excuse me. May I be
8 given the opportunity -- may I have just a
9 minute -- you started where, counsel?

10 MR. ODAM: With E-95, 96 and 97.

11 MR. MITCHELL: All right, sir. Thank
12 you.

13 Q (By Mr. Odam:) E-97 is a check from the County
14 of Duval?

15 A Yes.

16 Q Did you receive that check?

17 A Yes.

18 Q What did you do with it?

19 A Sent it for deposit to the Rio Grande Bank.

20 Q I believe that is where we left off with your
21 testimony yesterday?

22 A Yes.

23 MR. ODAM: Your Honor, if I could use
24 your bench, it would help me to put some
25 of these papers in order.

1 THE MASTER: Yes, sir.

2 Q I show you, Mr. Couling, Exhibits 98, 99 and 100,
3 which are all in evidence.

4 I ask that you look at what has been marked
5 as E-98, E-99 and E-100. Now, E-98, could you
6 generally describe what it is?

7 A It is an invoice from Benavides Implement and
8 Hardware made out to Duval County, precinct two

9 Q Could you identify who billed out the amount of
10 money there?

11 A I did, sir.

12 Q What is the description there?

13 A Rental on tractors.

14 Q What tractors are those that were rented to Duval
15 County, Precinct 2?

16 A Two tractors purchased from the Plains Machinery
17 here in Corpus.

18 Q And you were sending this in to where?

19 A The county.

20 Q And now, this invoice, what did you do with the
21 original copy of this original copy of the
22 invoice, E-98, what did you do with it?

23 A I left it in the office and Ramiro Carrillo
24 picked it up.

25 MR. MITCHELL: I move to strike.

1 THE MASTER: Were you there?

2 THE WITNESS: Yes, sir, I gave them to
3 him.

4 Q (By Mr. Odam:) Exhibit 100, can you identify what
5 E-100 is?

6 A Yes, sir, that is a check from Duval County.

7 Q Is it in the same amount as the invoice that you
8 turned in?

9 A Yes, sir.

10 Q Did you personally receive E-100?

11 A Yes, sir.

12 Q What did you do with it?

13 A Sent it for deposit to the Bank of Rio Grande City.

14 Q Now, the tractors you are referring to that were
15 rented to the county, do you know, or can you state,
16 if you do know, was there any work for those
17 tractors performed for Duval County?

18 A No, sir.

19 Q Now, the tractors that you are referring to, can
20 you state whether or not, if you know, did those
21 tractors ever do work for Duval County?

22 A They never did.

23 Q What is the basis for the billing of the county
24 for that amount of money?

25 A When the tractors were purchased, I was told by

1 O. P. that he bought the tractors through my store
2 and he was going to take them to his ranch and I
3 was supposed to make tickets every month for
4 rental to the county on those tractors.

5 Q Who told you that?

6 A O. P. Carrillo.

7 Q So you filled out the invoices on that?

8 A Yes, sir.

9 Q Next, I show you, Mr. Couling, what has been marked
10 as Exhibit E-101-3, 101-4 and 101-2 and ask you
11 to state if you can recognize what 101-4 is?

12 A That is an invoice made out to Duval County,
13 Precinct 2, in care of Juan Leal, and it says
14 pipe trailer and four pipe wrenches.

15 Q Can you identify 101-2?

16 A Yes, that is an invoice, 787, made out for rental
17 on a tractor for one thousand nine dollars
18 seventy cents.

19 Q 101-2, is it your testimony this is in the same
20 sequence of invoices for the same tractors?

21 A Yes, sir.

22 Q What did you do with 101-2?

23 A It was deposited in the bank.

24 Q No, the invoice?

25 A I prepared it. Now, on this invoice, I didn't make

1 it.

2 Q Do you know who did make these invoices?

3 A The top two are maybe Lorenzo, I don't know.

4 Q So the invoices you have there that are marked
5 101-3 and 101-4, can you identify who filled those
6 out?

7 A Cleofus Gonzalez.

8 Q How can you tell that?

9 A He has his initials on this sold by blank.

10 Q These invoices that I show you there, I show you
11 what has been marked as E-103, the county check
12 in the amount of one thousand sixty-seven dollars.

13 A Yes.

14 Q Can you state whether or not that check relates
15 to those invoices?

16 MR. MITCHELL: Hearsay, we object; not
17 having personal knowledge of the invoices
18 101-2, 3 or 4, apparently and need to form
19 a basis for his opinion.

20 THE MASTER: Show the basis for his
21 knowledge.

22 Q The invoices that you have in your left hand, once
23 they were filled out, can you state what happened
24 to those invoices?

25 MR. MITCHELL: Of your own knowledge.

1 Q Yes, of your personal knowledge.

2 A No, sir.

3 Q Did you receive this check in the amount of one
4 thousand sixty-seven dollars?

5 A Yes.

6 Q What did you do with that check?

7 A It was deposited in the First State Bank of San
8 Diego.

9 MR. ODAM: And for clarification, the
10 record should reflect that from our
11 stipulation that E-102 is the claim jacket
12 in the amount of one thousand one hundred
13 fifty-seven dollars and the stipulation is
14 that the enclosed items, 101 and its
15 sub-parts, total the same amount of money
16 and would be what Mr. Meek would say if he
17 were testifying.

18 MR. MITCHELL: I would rather have it
19 couched in terms of Mr. Meek telling us
20 that is what Mr. Meek told us.

21 MR. ODAM: Right.

22 MR. MITCHELL: And the stipulation is
23 based on that.

24 THE MASTER: Yes.

25 MR. MITCHELL: I might want to call Mr.

1 Meek back in face of some of the testimony
2 to make that determination.

3 THE MASTER: You have that right.

4 Q (By Mr. Odam:) I show you now what has been marked
5 as 104, 105 and 106. Can you identify item 104,
6 the invoice?

7 A That is an invoice from my store.

8 Q Can you state, if you know, who prepared that
9 particular invoice?

10 A No, sir.

11 Q You don't know?

12 A No, unless it was prepared by Lorenzo Garcia.

13 Q Who is that?

14 A My uncle.

15 Q Did he work at your store?

16 A Yes.

17 Q What is the description of work on there?

18 A Rent on two D-8 tractors.

19 Q Is it your testimony this is the same job
20 description for the same tractors we were referring
21 to earlier this morning?

22 A Yes.

23 Q And the last item was the check, which is 106,
24 in the amount of nine hundred ninety-eight dollars?

25 A Yes, sir.

- 1 Q Is it made out to Benavides Implement and Hardware?
- 2 A Yes.
- 3 Q Did you personally receive that check?
- 4 A Yes.
- 5 Q I show you E-107 and ask you if you can identify
- 6 it?
- 7 A It is an invoice made out to Duval County,
- 8 Precinct 2, in the amount of one thousand six
- 9 dollars.
- 10 Q What is that job description?
- 11 A Rent on winch truck.
- 12 Q What is the amount of money there?
- 13 A One thousand six dollars.
- 14 Q Can you describe the winch truck?
- 15 A I have a winch truck and it was never rented to the
- 16 county, because Ramiro kept the truck.
- 17 Q What is the amount of the invoice in 107?
- 18 A One thousand six dollars.
- 19 Q I show you E-109, the county check, and ask you if
- 20 you received the original of that check?
- 21 A Yes.
- 22 Q What is the amount of that check?
- 23 A One thousand six dollars.
- 24 Q What did you do with it?
- 25 A It was deposited in the Rio Grande City bank.

1 Q I would like to show you what has been marked as
2 110-B, A, and C. I direct your attention to 110-A,
3 can you describe that?

4 A It is an invoice.

5 Q What is the job description there?

6 A Equipment rental.

7 Q What equipment was intended to be rented?

8 A The store didn't have no equipment to rent.

9 Q Is the equipment referred to there, is that the
10 D-8 Caterpillars or not?

11 A I don't know, sir.

12 Q Your testimony is, there is no equipment rented
13 to the county by your store?

14 A No, sir.

15 Q I show you Exhibit 112, which is a check on the
16 county of Duval to Benavides Implement and Hardware.
17 Did you receive this check?

18 A No, sir.

19 Q Now, this check here has an initial on it, what
20 is that?

21 A Yes.

22 Q What is that initial?

23 A L.

24 Q Who is that?

25 A Lorenzo Garcia.

1 Q Can you state what happened to the check -- strike
2 that.

3 Mr. Lorenzo Garcia, does that indicate he
4 received the check?

5 MR. MITCHELL: Objection, hearsay.
6 He has no personal knowledge.

7 THE MASTER: The objection is overruled.

8 MR. MITCHELL: Is that 112 that you are
9 talking about?

10 MR. ODAM: Yes, sir.

11 Q (By Mr. Odam:) I now show you what has been marked
12 as Exhibit E-113-B. Can you read the job
13 description there?

14 A Rental on equipment.

15 Q What is the amount of money there?

16 A One thousand six dollars.

17 Q And the rental on equipment, what equipment was
18 rented to Duval County?

19 A The store didn't have no equipment to rent to Duval
20 County, sir.

21 Q I believe with that particular invoice, there are
22 some others?

23 A Yes, there is one other invoice.

24 Q I show you E-115. Can you identify that item?

25 A Yes, it is a check on Duval County to Benavides

1 Implement and Hardware in the amount of one
2 thousand thirteen dollars thirty cents.

3 Q Did you receive this check?

4 A Yes, sir.

5 Q What did you do with it?

6 A Deposited it in the Rio Grande Bank, sir.

7 Q Was your testimony on this particular invoice
8 that there was no equipment rented to the county,
9 either?

10 A No, sir, there was no equipment rented to the
11 county.

12 Q I show you what has been marked as E-116. Can you
13 read this description?

14 A Equipment rental.

15 Q Can you identify who filled that ticket out?

16 A Lorenzo Garcia.

17 Q What is the amount there?

18 MR. MITCHELL: Your Honor, we object and
19 move to strike. If he knows personally, he
20 is able to identify and testify, but it needs
21 support.

22 MR. ODAM: Let me rephrase the question.

23 Q What would be your personal knowledge that it was
24 Lorenzo Garcia?

25 A He was working at the store at this time.

1 Q What would be your personal knowledge that it was
2 Lorenzo Garcia?

3 A He was working at the store at this time.

4 Q Would there -- who would have access to those
5 particular Benavides Implement and Hardware
6 invoices at the store?

7 A Lorenzo Garcia.

8 MR. MITCHELL: Is that the man that is
9 dead?

10 Q Is he deceased?

11 A Yes.

12 Q When did he die?

13 A The latter part of 1973.

14 Q In the job description on 116, what is that?

15 A Equipment rental.

16 Q What equipment was rented to the county there?

17 A No equipment, the store didn't have equipment to
18 rent to the county or anybody else.

19 Q The check I show you is marked as E-118 and is in
20 the same amount as that invoice?

21 A Yes.

22 Q Can you identify by the check who received that
23 particular check?

24 A Lorenzo Garcia.

25 Q What is the basis for your knowing that?

1 A It has his initial.

2 Q What happened to the check after that?

3 A It was deposited in the First State Bank of San
4 Diego.

5 Q I show you what has been marked as 119-A and B.
6 Can you read, starting with 119-A, what the job
7 description is there?

8 A Machinery rental.

9 Q What is the amount of money?

10 A One thousand sixty dollars.

11 Q Is that also Benavides Implement and Hardware?

12 A Yes. That was made by Lorenzo Garcia.

13 Q And 119-B, what is the job description there?

14 A Two rows of barbed wire or mesh wire.

15 Q Now, on the machinery rental, what machinery did
16 your company rent to the county pursuant to that
17 invoice?

18 A None, sir.

19 Q In 119-B, did the store actually sell or rent
20 barbed wire to the county?

21 A I guess so, sir.

22 Q It is your testimony that on 119-B, that would be
23 a legitimate invoice?

24 A Yes.

25 Q And 119-A was for a machine not rented?

1 A Yes.

2 THE MASTER: Is this a good time for
3 a break, Mr. Odam?

4 MR. ODAM: Just one other question,
5 Your Honor.

6 THE MASTER: All right, sir.

7 Q Finally, I show you what has been marked as 121.
8 Can you identify that item?

9 A Yes, a check on Duval County in the amount of
10 one thousand ninety-six dollars fifty cents.

11 Q Can you identify what happened to the check?

12 A It was deposited in the Rio Grande City bank.

13 Q In the account of Benavides Implement and
14 Hardware?

15 A Yes.

16 MR. ODAM: That completes this
17 series, Your Honor.

18 THE MASTER: All right, sir. We will
19 be in recess until 10:20.

20 (Short recess taken.)
21
22
23
24
25

EXAMINATION CONTINUED

1
2
3 BY MR. ODAM:

4 Q Mr. Couling, I show you what has been marked as
5 Exhibit 122 and ask you if you can identify that
6 item?

7 A This is a statement from Benavides Implement and
8 Hardware Company to Duval County Precinct No. 2.

9 Q And what is the date there?

10 A 9-30-73.

11 Q And what is the job description and amount of
12 money?

13 A Rental and on equipment fifteen hundred dollars.
14 sir.

15 Q And I note that this one for the first time, you
16 started renting the equipment to the county for
17 fifteen hundred dollars. Why did you began around
18 this time to start renting the equipment for
19 fifteen hundred dollars?

20 A I believe it was the -- around the time that he
21 purchased one or two root plows.

22 Q And when you say he, who are you referring to?

23 A O. P. Carrillo, sir.

24 Q What is the equipment that was rented to the
25 county for fifteen hundred dollars?

1 A There is no equipment rented to the county, sir.

2 Q Now, could you explain to the Court, in more
3 detail, about when the -- about the root plows.

4 Did you have any conversation with Judge O. P.
5 Carrillo concerning root plows?

6 A Yes, sir, he said he was going to buy two root
7 plows.

8 Q He said he was going to buy two root plows?

9 A Yes, sir.

10 Q He said he was going to buy two root plows and
11 what was supposed to take place with respect to
12 the county?

13 A I was supposed to increase the rent by five hun-
14 dred dollars or more, sir.

15 Q And why were you supposed to increase the rent
16 to the county?

17 A So we could make the payments on the root plow.

18 Q So that was increased --

19 MR. MITCHELL: Pardon me, Judge, may I
20 request, Your Honor, that I -- that the
21 questions may be in terms of when the con-
22 versation occurred, at least the years.

23 MR. ODAM: All right, let me --

24 MR. MITCHELL: He is free floating.

25 THE MASTER: All right, that's a

1 reasonable request.

2 Q The invoice is made in September?

3 A September.

4 Q Of 1973?

5 A Yes.

6 Q When did your conversation with respect to root
7 plows occur?

8 A It was in the latter part of August or the
9 middle of September, sir, 1973.

10 Q And then you filled out this invoice for fifteen
11 hundred dollars?

12 A I didn't fill out this invoice, sir.

13 Q Who filled out this invoice?

14 A Lorenzo Garcia.

15 Q This is the Mr. Garcia that worked at your store?

16 A Yes, sir.

17 MR. MITCHELL: May I ask a question
18 on voir d'ire, Your Honor?

19 THE MASTER: Yes, sir.

20

21

22

23

VOIR DIRE EXAMINATION

24

25

BY MR. MITCHELL:

1 O Mr. Couling, did you see Lorenzo fill out those
2 billings?

3 A No, sir, he filled out the bill for Precinct Num-
4 ber 2.

5 Q You didn't see him fill it out?

6 A No, sir.

7 MR. MITCHELL: We move to strike it,
8 Your Honor, and we object to it.

9 THE MASTER: If that is the only basis
10 of his knowledge, the objection is sustained.

11 MR. ODAM: Your Honor, I will let it
12 stand for what it is, it is an invoice made
13 out on Benavides Implement and Hardware for
14 rental of equipment and I will let the
15 invoice stand for what it states that it is.
16 I understand your sustaining the objection.

17
18 - - - - -

19
20 EXAMINATION CONTINUED

21 BY MR. ODAM:

22
23 Q Can you state whether or not of your own knowledge
24 the county rented the equipment, your store rented
25 the equipment to the county that is described on

1 there?

2 A The store didn't have any equipment for rent, sir.

3 Q I will show you what has been marked as Examiner's
4 Exhibit 124, and can you give the date of that
5 county check?

6 A The 2nd day of November, 1973, sir.

7 Q And can you tell by looking at the check what
8 happened to it?

9 A It was deposited in the Rio Grande Bank, sir.

10 Q All right.

11 MR. ODAM: And pursuant to the stipula-
12 tion and this is true of all of these docu-
13 ments generally as the record will indicate,
14 Mr. Meek stipulated statement that 122 was
15 contained in jacket 123 and they are totally
16 identified both by the record and by the
17 Exhibits themselves.

18 Q Exhibit 125, what is the job description on 125?

19 A Rental on equipment, sir.

20 Q And is that also an invoice on your store?

21 A Yes, sir.

22 Q Can you state if you know who filled out this
23 ticket?

24 A Like again I said, Lorenzo Garcia, sir.

25 Q All right.

1 MR. MITCHELL: Pardon me, we would like
2 to request that we be permitted to ask him
3 a question on it.

4 THE MASTER: All right.

5
6 - - - - -

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8 VOIR DIRE EXAMINATION

9 BY MR. MITCHELL:

10 Q Mr. Couling, did you see Mr. Garcia fill it out?

11 A No, sir.

12 MR. MITCHELL: We object and move to
13 strike it, it would be no personal knowledge
14 and hearsay.

15 THE MASTER: Well, how do you know?

16 A Because he was working for me at the store, sir.

17 MR. MITCHELL: Well, Your Honor, I
18 don't object, Your Honor -- I mean if he
19 knows, there is other methods of authenti-
20 cating.

21 THE MASTER: That is correct, and I
22 have avoided suggesting them and so have
23 you and the objection is sustained at this
24 time.
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MR. MITCHELL: Thank you, Your Honor,
And when you speak with this invoice, ask you what
if you know, what -- -- -- would be referring
to that?

EXAMINATION CONTINUED
BY MR. ODAH:

Q Now, 127 is a check, can you identify it?

A Yes, sir, it is a check for fifteen hundred and
fifty dollars from Duval County to Benavides
Implement and Hardware Company which I received
and deposited to the Rio Grande Bank, sir.

Q All right, sir, and what was the equipment that
was rented pursuant to this --

A There is no equipment rented to the county, sir.

Q Can you identify item 128?

A Yes, sir, that is an invoice made out to Duval
County on December the 3rd, 1973, to Precinct 2
for rental on tractor, for November and it was
marked for fifteen hundred and fifty dollars and
scratched out and a thousand dollars was written
in there.

Q And what tractors were rented to the --

A There was no tractor rented.

Q Were these -- go ahead.

1 A I prepared this invoice.

2 Q And when you prepared this invoice, can you state,
3 if you know, what tractor you would be referring
4 to there?

5 A Well, the store had no tractor. We had to be
6 referring to the DR tractor that were purchased
7 by O. P., sir.

8 MR. MITCHELL: Excuse me, Your Honor,
9 may I ask what date that he is referring
10 to now, again?

11 Q What is the date on this invoice?

12 A December the 3rd, 1973.

13 MR. MITCHELL: We are going to object
14 because there is in evidence, there is a
15 written contract dated December of 72 where
16 Mr. Couline bought, for the Benavides Imple-
17 ment and Hardware, two tractors.

18 MR. ODAM: What is --

19 MR. MITCHELL: And, of course, his
20 testimony is contrary to their own records
21 established and we would say it is a viola-
22 tion of the parole -- or best evidence rule,
23 which is the contract and the parole evi-
24 dence rule.

25 THE MASTER: The objection is overruled.

1 Q (By Mr. Odam:) Can you identify item 130?

2 A Yes, sir, it is a check for a thousand dollars
3 made payable to the Benavides Implement and Hard-
4 ware Company and it was deposited in the First
5 State Bank of San Diego.

6 Q Can you identify item 131?

7 A Yes, sir, it is an invoice from my -- from Bene-
8 vides Implement and Hardware Company dated Decem-
9 ber the 21st to Duval County, Precinct Number 2.

10 Q And what is the job description there?

11 A Rent on two cats.

12 Q What is the date there?

13 A December the 21st, 1973.

14 Q And what was the date on the invoice marked
15 128 that you filled out?

16 A December the 3rd sir.

17 Q So you were renting the Caterpillars, billing
18 the county two times that month for the Cater-
19 pillars?

20 A Well, on this one, I believe it was paid on
21 December and this one might have been paid on
22 January, I don't know.

23 Q Well, we will get to that. Can you tell by looking
24 at 131 who filled it out?

25 A I filled it out, sir.

1 Q And what is the job description there?

2 A Rent on two cats.

3 Q And the amount of money?

4 A The amount of money was eighteen hundred ninety
5 dollars and then it was scratched out and it had
6 fifteen hundred dollars. And then the total on
7 the bottom shows again eighteen hundred and
8 ninety dollars.

9 Q And why did you put eighteen hundred and ninety
10 dollars?

11 A I made this out to cover the payments of the
12 tractor and the root plows, sir.

13 Q And what Caterpillars were you renting there to
14 the Precinct Number 2?

15 A I didn't have no Caterpillars. It was the
16 Caterpillars on O. P.'s ranch, sir.

17 Q Can you identify item number 133?

18 A Yes, sir, it is a check for fifteen hundred
19 dollars. It was deposited in the Rio Grande
20 Bank, sir.

21 Q All right. Item 134, can you describe that
22 item, please?

23 A Yes, sir, it is another invoice made on January
24 the 12th, 1974, for -- to Duval County Precinct 2,
25 rent on two tractors for fifteen hundred dollars

1 and I prepared this statement, too, sir.

2 Q And what two tractors were you rented to
3 Precinct Number ??

4 A The same ones that were on O. P.'s ranch, sir.

5 Q Now, again, it was your earlier testimony, if
6 you can recall that, as to why initially you are
7 filling out all of these invoices in the first
8 place.

9 A Well, I was told, O. P. told me that he had pur-
10 chased two tractors and later on he purchased two
11 root plows and that the county would pay for the
12 rent to Plains Machinery.

13 Q And could you identify item 136 and the date on
14 that check?

15 A February the 2ndth, 1974, for fifteen hundred
16 dollars and again it was deposited in the Rio
17 Grande City Bank, sir.

18 Q And again, if you could refresh the record, why
19 was it -- why were all of these checks deposited
20 in the Rio Grande City Bank?

21 A The account in Rio Grande City was originally set
22 up for the payment of the tractors that -- could
23 be made from checks that we received from Duval
24 County, sir.

25 Q And can you identify item 137 and the date thereon?

1 A February the 22nd, 1974, Duval County Precinct
2 Number 2 equipment rental fifteen hundred dollars.

3 Q And what is the date of that item?

4 A February 22nd, 1974.

5 Q And can you identify the item 139?

6 A Yes, sir, it is a check for fifteen hundred
7 dollars made on the 18th day of March, 1974, to
8 Benavides Implement and Hardware Company and it
9 was deposited at Rio Grande City Bank, sir.

10 Q Can I ask you, if you will, I will show you what
11 has been marked, these have not been introduced
12 into evidence as yet, items 140 through 150 A and B,
13 and ask for you to take a moment to look and
14 examine these instruments and then I'll have some
15 questions for you on those.

16 A Through what number do you want me to look to,
17 sir?

18 Q Through the entire stack.

19 A All right.

20 (Discussion off the record.)

21
22 Q Have you looked at all the items I just gave you,
23 Mr. Couling?

24 A Yes, sir.

25 Q For purposes of identification, now that you have

1 looked at all of them, can you identify for the
2 record what these are, not item by item, but just
3 generally what they are?

4 A They are all checks made out of the First State
5 Bank and Trust Company of Rio Grande City from
6 the Benavides Implement and Hardware Company to
7 Plains Machinery for payment of machinery and
8 tractors and one is made to B. D. Hall for rental
9 on a root plow.

10 Q And the checks that you are looking at, on what
11 bank are they drawn?

12 A First State Bank and Trust Company of Rio Grande
13 City.

14 Q And is that the bank in the account to which you
15 were depositing the county checks?

16 A Yes, sir.

17 Q And the checks that you have there, did you sign
18 those checks?

19 A Yes, sir.

20 Q Now, those that you have there are simply xerox
21 copies of checks?

22 A Yes, sir.

23 Q Do you know where the original copies of those
24 checks are?

25 A No, sir.

1 MR. ODAM: Exhibits 140 through 150,
2 150-A and B are photostatic copies of the
3 checks and we would offer these in evidence
4 at this time.

5 MR. MITCHELL: In view of the fact we
6 have had no opportunity to examine them, may
7 we have a few minutes to do so?

8 THE MASTER: Well, yes, except I had
9 rather you do that at a recess.

10 Are you through with this witness,
11 Mr. Odam?

12 MR. ODAM: No, sir.

13 THE MASTER: Why don't you examine
14 them and then I will reserve a ruling on that.

15 MR. MITCHELL: All right, sir.

16 THE MASTER: You can at this time glance
17 at them while the examination is going on.

18 MR. MITCHELL: Well, Judge, the fact
19 remains that some of them are completely
20 obliterated. For example, this one here.

21 THE MASTER: I see. Off the record.

22 (Discussion off the record.)
23

24 MR. MITCHELL: Judge Meyers, I can
25 level the objection that I have with the

1 understanding I would like to have an
2 opportunity to make a detailed examination,
3 but I have not had an opportunity to see
4 them. Also, I have an objection to them as
5 to hearsay to Judge Carrillo and beyond the
6 formal notice and amended notice and also
7 it relates to non-judicial conduct, and not
8 the best evidence and not properly
9 authenticated. Each and every one, 140
10 through and including 150-A and B, and for
11 what it is worth, and I have never heard
12 of this objection before, but some of them
13 are in such a state of defacement and
14 obliteration that they could be misleading.

15 THE MASTER: I think that goes to the
16 weight, but I think you need to expound on
17 the unavailability of the originals, Mr.
18 Odam.

19 Q (By Mr. Odam:) Mr. Couling, what I have shown you
20 here briefly are copies that were obtained from the
21 bank themselves. It was your statement earlier,
22 with respect to the original copies -- perhaps
23 we should start with that.

24 Do you know where the original checks are of
25 these bank copies?

1 A No, sir, I believe those particular checks were
2 at the store when Mr. Garcia passed away and I
3 could not find the box where he kept all those
4 checks.

5 Q Would these be all of the checks or copies of the
6 checks made to Plains Machinery or would there be
7 others?

8 A There would be others.

9 Q But you have made a search for the original checks
10 themselves?

11 A Yes.

12 Q And you have been unable to find them?

13 A No, sir, I have not found them.

14 THE MASTER: Have you looked at each
15 one of these checks?

16 THE WITNESS: Yes, sir.

17 THE MASTER: And these are checks you
18 signed?

19 THE WITNESS: Yes, sir.

20 THE MASTER: I overrule the objection.

21 MR. MITCHELL: May I have the witness
22 on voir dire?

23 THE MASTER: Yes, sir.

24

25

VOIR DIRE EXAMINATION

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BY MR. MITCHELL:

Q Those checks are on the Rio Grande bank?

A Yes.

Q And that is the bank account you opened up, by your sworn testimony?

A No, sir, I opened it up after O. P. brought me --

Q You opened the account by signing a signature card and you drew on the account?

A Yes, sir.

Q Nobody else drew on the account but you?

A No, sir.

Q The checks were returned to the Benavides Implement and Hardware Store address?

A Yes.

Q And the original of those checks would have been sent by the bank at the end of the month along with the statements to the Benavides Implement and Hardware Store?

A Not every month. They mailed a statement every two or three months.

Q What I meant was, you had custody of the originals, because the bank sent them to you or to your address?

1 A Yes, and sometimes Lorenzo Garcia picked up the
2 mail.

3 Q He was your employee?

4 A Yes.

5 Q And when was the last time you saw the original
6 of the bank checks?

7 A When he and I prepared the tax return in 1973 or
8 '74 before he passed away. He kept them all and
9 I could not find them.

10 Q The ones that are marked 140 through 150-A and B,
11 where did they come from? Could you tell us,
12 please?

13 A From the Rio Grande City bank.

14 Q Where did you get them?

15 A I don't know where they got them.

16 Q Who got them?

17 A I don't know if he was an Attorney General or not.
18 They asked me and I told them I didn't have the
19 originals and they said they could get copies.

20 Q When was the first time you saw Exhibits 140
21 through 150-A and B?

22 A About six or eight weeks ago, sir.

23 Q So that when counsel asked you if there were
24 other checks payable to Plains Machinery, you
25 would not know because the Attorney General

1 supervised the getting of them?

2 A I was talking about the original checks, sir.

3 Q Did you see the original checks?

4 A When I made income tax, yes, sir.

5 Q When was the last time you saw the originals?

6 A I don't know, sir, I don't recall.

7 Q And is your store, Benavides Implement and Hardware
8 Store, is it still there in Benavides?

9 THE MASTER: I believe you have
10 exceeded the scope of voir dire with that
11 question.

12 MR. MITCHELL: Well, I still reassert
13 the objections previously leveled at these
14 exhibits and in addition, now that they are
15 selected now, it appears that way, and
16 without a predicate or statements tendering
17 their offer, and the reason for this
18 selectivity, we would object to them on the
19 grounds of hearsay insofar as they are
20 introduced for the ultimate fact.

21 THE MASTER: The objection is overruled
22 and they are admitted, Exhibits E-140 through
23 150, A and B.

24

25

FURTHER EXAMINATION

1
2 BY MR. ODAM:

3
4 Q We have looked at checks from Duval County and
5 invoices and the checks you made out to Plains
6 Machinery. I would like for you, at this time,
7 to summarize in your own words this entire
8 transaction, if you would, from what Judge O. P.
9 Carrillo first said to you about the tractors,
10 all of the way through and to where we are now.

11 MR. MITCHELL: Your Honor, that is
12 unnecessary repetition and we will object
13 to it unless the witness can -- well, it
14 is not adding anything new. There is no
15 way for me to object to this testimony
16 as to a precluded waiver.

17 MR. ODAM: This witness has testified
18 now for a number of hours and the basis of
19 the items that I have gone through with him.
20 I think it would be beneficial to the Court
21 if we could summarize --

22 THE MASTER: I overrule the objection.

23 Q (By Mr. Odam:) I will restate the question.

24 That is, I am asking you to summarize, from
25 the time Judge O. P. Carrillo said something to

1 you about tractors, all the way up to where we are
2 now with the admission of these checks.

3 MR. MITCHELL: There is no way I can
4 cross-examine or --

5 THE MASTER: You said that earlier and
6 I have overruled it.

7 Q (By Mr. Odam:) You may continue.

8 A O. P. Carrillo came to my office and said he was
9 going to purchase tractors from Plains Machinery
10 and send them to my office with a contract on the
11 rental-purchase agreement, which the papers were
12 brought by a man from Plains Machinery to my
13 office. I don't recall if I signed that paper that
14 day or not and I don't remember if he picked them
15 up or I brought them back to Corpus. He said I
16 would get money from Duval County, Precinct 2,
17 to pay for the tractors. He came later -- O. P.
18 Carrillo came later and said he had arranged to
19 buy two root plows from B. D. Holt and they would
20 be paid for in the same way.

21 Before that time, he suggested that I open an
22 account in the Rio Grande City bank to make
23 payments from that bank for the equipment purchased
24 from Plains Machinery and B. D. Holt.

25 Q At any time, did O. P. Carrillo --

1 MR. MITCHELL: May I move for a
2 mistrial on the grounds of denial of
3 rights of my client to cross-examine and
4 the right to confrontation and right of
5 due process in this proceeding by the
6 method of examination of this witness.

7 THE MASTER: It is denied.

8 Q (By Mr. Odam:) Mr. Couling, at any time, did
9 Judge O. P. Carrillo make deposits into the Rio
10 Grande City bank account?

11 A Yes, he gave me checks.

12 Q What were those checks in the amount of?

13 A From five hundred dollars up to two thousand
14 dollars to make up the difference on the payments
15 of the tractors and root plows.

16 Q Did he make a statement to you at that time that
17 this was in payment of those tractors and root
18 plows, the difference in that?

19 A Yes.

20 MR. MITCHELL: There is no way to
21 object with the question including a time
22 frame.

23 THE MASTER: I think a time frame is
24 desirable. A lawyer can present a witness
25 as he wishes to present him and you have full

1 right to cross-examination.

2 MR. MITCHELL: As the court knows, if
3 your head is cut off and laying on the floor,
4 it doesn't do any good to cross-examine.
5 All I am asking is if counsel would pose the
6 question within a given transaction so I can
7 have an opportunity to know the time frame
8 in advance.

9 THE MASTER: You may proceed. I think
10 time is important.

11 MR. ODAM: I agree, Your Honor.

12 Q (By Mr. Odam:) The check statements were made to
13 you and the checks were given. Can you pin these
14 down as to time and when Judge Carrillo would give
15 you a check? Do you recall when the first check
16 was given to you by O. P. Carrillo?

17 A It has to be when we made the first payment to
18 Plains Machinery.

19 MR. MITCHELL: That is speculation.

20 THE MASTER: The objection is overruled.

21 Q When would it be when the first payment was?

22 A I had to send the money to Plains Machinery and
23 had to have the money.

24 Q A portion of the money was in the bank account and
25 Judge Carrillo would give you the balance?

1 A Yes.

2 Q Can you state, if you know, why you were not
3 getting from the county the full amount of money
4 for payments on the Caterpillars?

5 MR. MITCHELL: That would call for
6 hearsay and we object.

7 THE MASTER: It depends on the basis
8 of his knowledge.

9 THE WITNESS: No, sir, I don't know,
10 sir.

11 Q You don't know?

12 A No, sir.

13 Q So Judge Carrillo would give you a check, but
14 again, can you recall the amounts of money on those
15 checks he gave to you?

16 A Five hundred dollars to a thousand or maybe two
17 thousand, and sometimes he gave me a blank check
18 to fill out the amounts needed.

19 Q Do you recall, around the time the conversation was,
20 with respect to the purchase of the root plows,
21 do you recall that time?

22 A I don't remember the dates.

23 Q Do you recall the year?

24 A Well, I would be guessing.

25 MR. MITCHELL: Excuse me, we would

1 object.

2 THE MASTER: Yes, don't guess. You can
3 give your best recollection or best
4 estimate.

5 THE WITNESS: The only way I could
6 answer that is by seeing the first contract
7 that was signed on them.

8 MR. ODAM: Would you mark this.

9
10 (The above-mentioned document was
11 marked as Examiner's Exhibit 161 for
12 identification.)

13 MR. MITCHELL: Pardon me, I have a gap
14 here of about ten exhibits.

15 THE MASTER: 159 is the financing
16 statement on the tractor. 160 is the original
17 lease agreement on the two tractors and I had
18 overlooked 160 myself.

19 MR. MITCHELL: Yes, I was thrown off
20 because 140 to 150 was a file of all of these
21 right here.

22 THE MASTER: Yes.

23 MR. MITCHELL: All right. I now have it
24 straight.

25 Q (By Mr. Odam:) I show you what has been marked as

1 E-161 and ask you if you can identify this item?

2 A Yes, sir, this is a bill from B. D. Holt Company
3 for one root plow in the amount of five thousand
4 seven hundred eighty dollars.

5 Q What is the date of this contract?

6 A February 6th, 1973.

7 Q Would it be, if you know of your own knowledge,
8 would it be around that date a conversation was
9 had in February, 1973, about the root plows?

10 A On the root plows?

11 Q Yes, sir.

12 A It probably was a few weeks before.

13 Q And who is the purchaser of these root plows?

14 A Benevides Implement and Hardware, verified by
15 O. P. Carrillo.

16 Q Is that verified or verbal?

17 A Verbal by O. P. Carrillo.

18 MR. ODAM: We offer in evidence E-161.

19 MR. MITCHELL: Your Honor, may I ask the
20 witness a question on voir dire?

21 THE MASTER: Yes.

22

23

24

VOIR DIRE EXAMINATION

25 BY MR. MITCHELL:

1 Q Your signature doesn't appear on this at all?

2 A No, sir.

3 Q And you were not there at the time this was
4 executed?

5 A No, sir.

6 MR. MITCHELL: Well, we will object on
7 improper authentication and it would be
8 hearsay along with the other standing
9 objections we have.

10 THE MASTER: Let me see it.

11 In this state of the record, the
12 objection is sustained.

13 MR. ODAM: If we could, Your Honor, at
14 this point simply offer it on a bill of
15 exception for the light of the last question
16 as to pinpoint a date with respect to a
17 contract and then I will go back and
18 authenticate it.

19 THE MASTER: It becomes your bill.
20 Your offer is not admitted and it is the bill.

21 MR. ODAM: All right, sir.
22
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FURTHER EXAMINATION

1
2 BY MR. ODAM:
3

4 Q Now, Mr. Couling, your Benavides Implement and
5 Hardware Company, does it still have a contract
6 with Plains Machinery on these two Caterpillars?

7 A No, sir.

8 Q Do you recall a date as to when you no longer had
9 a contract on the Caterpillars?

10 A It was sometime in 1974, sir.

11 Q I show you what has been marked and introduced
12 into evidence as E-160. Can you identify what this
13 item is?

14 A This is an agreement on the equipment to Benavides
15 Implement and Hardware.

16 Q Is this on the Caterpillars?

17 A Yes, sir.

18 Q Do you recognize, on this second page of that, as
19 being your signature on the contract?

20 A Yes, sir.

21 Q And this is the contract that you were referring
22 to earlier in your testimony when somebody brought
23 over a contract to you?

24 A Yes, sir.

25 Q I show you what has been marked as Respondent's

1 Exhibit R-50. Now, your testimony was, as to what
2 point in time, if you know, when the Benavides
3 Implement and Hardware ceased making payments and
4 ceased ownership of the Caterpillars in question?

5 A It has two dates here, sir. It is a date in 1974
6 and '75.

7 Q What is the first date referred to there?

8 A May, 1974, sir.

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1 A At O. P.'s ranch.

2 Q Did you see them at any point working other than
3 on Judge Carrillo's ranch?

4 A No, sir.

5 Q Pursuant to the invoices you sent into the county,
6 did you ever -- were those Caterpillars ever
7 actually rented to the county of Duval?

8 A No, sir.

9 Q When you rented the Caterpillars to the county of
10 Duval, did you ever have employees work those
11 Caterpillars for the county of Duval?

12 A Not that I know, sir, no, sir.

13 Q All right.

14

(Discussion off the record.)

15

16 Q Mr. Couling, you testified with reference to
17 some root plows, did you ever have any type of
18 rental contract or written contract of any sort
19 with Judge O. P. Carrillo with respect to those
20 root plows?

21 A Not between Mr. Carrillo and myself, so, sir.

22 Q Well, I take it by your answer that there -- that
23 there was an agreement, would that be one with
24 B. D. Holt?

25 A Yes, sir.

1 actually ever see the Caterpillars we are talk-
2 ing about?

3 A Yes, sir.

4 Q And where did you see those Caterpillars?

5 A At Borjas Ranch, which is Mr. O. P. Carrillo's
6 ranch.

7 Q And when you saw them on the Borjas Ranch, were
8 they standing still or were they being worked?

9 A I saw them once when they were working and once
10 when they were being repaired.

11 Q Who did you see repairing the vehicles?

12 A Crisoforo B. Chapa.

13 Q And who did you see working the machinery?

14 A At that time, Fidel was there helping him repair
15 the machinery.

16 Q This would be Fidel --

17 A Saenz.

18 Q And the Caterpillars in question, would these
19 be the Caterpillars that were theoretically rented
20 to the county?

21 A Yes, sir.

22 Q Did you ever actually see the Caterpillars doing
23 any more work for the county?

24 A I saw them off the road working, yes, sir.

25 Q And where did you see those working?

1 like we have been doing in the past year because
2 it was costing -- it was going to cost me money.

3 Q And did you have any conversation with O. P.
4 Carrillo?

5 A No, sir.

6 Q Did you at that time cease making your invoices
7 then to the county?

8 A Yes, sir.

9 Q And did you at that time cease making your payment
10 to Plains Machinery?

11 A Yes, sir.

12 Q So, for a period of time around that point, you
13 defaulted on the payment?

14 A Yes, sir.

15 Q Mr. Mitchell asked you a question about the setting
16 up of the Rio Grande City account. Could you des-
17 cribe -- did you go over and set up the account
18 at the Rio Grande City Bank?

19 A No, sir.

20 Q How was that account set up?

21 A O. P. came by and told me he had made arrangements
22 for the bank and he brought me a signature card
23 which I signed and mailed back to the bank.

24 Q Now, these two Caterpillars, vehicles we have
25 been talking about, pieces of equipment, did you

1 Q For the store?

2 A Yes, sir.

3 Q And so, you are receiving -- did you have a
4 conversation with people from the I.R.S., or what
5 did you receive from the I.R.S.?

6 A I received a statement, sir.

7 Q For business with respect to your store?

8 A Yes, sir.

9 Q Along the lines of the business we have been
10 referring to in these --

11 A Yes, sir.

12 Q In this testimony?

13 A Yes, sir.

14 Q At this point in time, you received those state-
15 ments, what did you do having received those state-
16 ments?

17 A I talked to Ramiro Carrillo and I needed some money
18 to pay the income tax and he just didn't say any-
19 thing.

20 Q Ramiro?

21 A Yes, sir.

22 Q And D. C. Chapa?

23 A Yes, sir.

24 Q And what did you say to them, if you recall?

25 A I said I couldn't afford to do any more transactions

1 Q Now, I show you the second page of what has been
2 marked R-50 and ask if you can identify the name
3 of the debtor on here.

4 A O. P. Carrillo, sir.

5 Q And I believe you have previously identified his
6 signature on the document?

7 A Yes, sir.

8 Q Did you testify that would be his signature?

9 A Yes, sir.

10 Q Now, from these two items, E-160 and R-50, I take
11 it the Caterpillars changed ownership around that
12 period of time of May 2nd, 1974, is that correct?

13 A Yes, sir.

14 Q Why did the ownership change at that time, if
15 you know, from Bensvides Implement and Hardware
16 to O. P. Carrillo?

17 A Well, it was around the time that I had -- they
18 were sending statements from the I.R.S. to pay
19 income tax and I could not afford to go into debt
20 like I had gone before, when I was making no
21 profit from those rental equipment, sir.

22 Q Income tax, personal income tax?

23 A Yes, sir.

24 Q Or on the store?

25 A On the store.

1 Q Was there any other agreement that you know of
2 between Judge O. P. Carrillo and anyone else
3 with respect to the root plows?

4 A No, sir, I don't know, sir.

5 Q And I would ask you the same question with
6 respect to the Caterpillars, did Judge Carrillo
7 have any type of written contract with you other
8 than the two documents which are not -- those
9 that are with Plains, did Judge Carrillo have
10 any contract with you with respect to those Cater-
11 pillars?

12 A No, sir.

13 Q Was this -- I take it then that the -- any comment
14 with respect to the root plows or the Caterpillars
15 between you and O. P. Carrillo were oral comments
16 such as you have described thus far today?

17 A Yes, sir.

18 Q And now did you ever have a -- you stated that
19 Ramiro Carrillo, and you were partners and set
20 up the Benavides Implement and Hardware Store,
21 is that correct?

22 A Yes, sir, he was a silent partner, yes, sir.

23 MR. MITCHELL: We are going to object,
24 Your Honor, to that testimony on the grounds
25 previously stated and in order not to waive

1 our objection, whether he was a silent part-
2 ner or not and move to strike it.

3 THE MASTER: Overruled.

4 Q You and Ramiro Carrillo were partners in setting
5 up the Bensvides Implement and Hardware, did you
6 ever have any conversation with Ramiro Carrillo
7 with respect to the payment of your income tax
8 on all of this business that we have been talking
9 about this morning?

10 A Yes, sir.

11 Q And what was that?

12 A He never did answer anything about it, sir.

13 Q He never made any statement to you?

14 A No, sir.

15 Q What statement did you make to him?

16 A I asked him if I needed some money to pay income
17 tax for all the money that was being paid to
18 their store and rental requirement?

19 A How much income tax were you asked to pay on this?

20 A On two or three years, it amounted to sixty-seven
21 or seventy thousand dollars, sir.

22 Q On all of this business that we have been --
23 that you have been testifying to thus far today?

24 A Yes, sir.

25 Q Did Ramiro Carrillo ever lease any of the equipment

1 that was bought by Benavides Implement and
2 Hardware to your knowledge?

3 A Not that I know, no, sir.

4 Q Now, we have been discussing some equipment rentals
5 and then Judge O. P. Carrillo's equipment rental,
6 the B. D. Holt, the root plows, are there any
7 other -- is there any other documentation that
8 you know of supportive of these items into Bena-
9 vides Implement and Hardware?

10 A I don't know, sir.

11 Q All right.

12 MR. ODAM: Pass the witness.

13 MR. MITCHELL: Your Honor, I don't know
14 what the Court's desires are. Quite frankly,
15 I would like to have an opportunity to prepare
16 for the cross-examination of this witness
17 and I understand that is the last witness
18 that the Examiner has.

19 MR. ODAM: Yes, sir, the only other
20 one would be on the authentication of this
21 contract with B. D. Holt and it might be
22 that that would come up through your own
23 testimony, I don't know. That would be
24 the only other one. That would just be
25 an authenticating witness, someone here in

1 Corpus Christi.

2 THE MASTER: Well, when you say time,
3 how much time?

4 MR. MITCHELL: Well, I noticed we are
5 roughly an hour and a half to -- to adjourn-
6 ment time, Your Honor, and I -- I could
7 perhaps start on some facet of the examina-
8 tion with the statement to the Court that I
9 am not prepared to examine him on the
10 specifics of his testimony.

11 THE MASTER: Well, my question was
12 broader than that. Do you want to take a
13 break now to organize what I will, for a
14 better word, describe as your general and
15 preliminary and non-specific cross-examination,
16 and then that probably will take us to near
17 one o'clock.

18 MR. MITCHELL: Yes, Your Honor.

19 THE MASTER: And then break until the
20 week of the 1st.

21 MR. MITCHELL: Yes, Your Honor, either
22 that, Judge, in view of the fact that it
23 would take some time to get organized for
24 any cross-examination, I was wondering if
25 the Court would entertain a motion to adjourn

1 as previously outlined.

2 THE MASTER: Well, let me ask you, Mr.
3 Odam, do you think between now and one
4 o'clock you could get somebody from Holt
5 over here?

6 MR. ODAM: Yes, sir, I certainly would
7 try to run somebody down from B. D. Holt.
8 I can go out now and get someone on the
9 phone.

10 THE MASTER: Let's see if we recess for
11 that, that would be your last witness,
12 wouldn't it, with the exception of the
13 cross-examination and redirect of this wit-
14 ness.

15 MR. MITCHELL: John, the Court is
16 addressing you.

17 MR. ODAM: Yes, sir.

18 MR. FLUSCHE: We might have one or
19 two authenticating witnesses. We have to
20 go through our Exhibits --

21 MR. ODAM: Yes, sir, the only reason
22 I hesitate, --

23 THE MASTER: I'm not pinning you down,
24 we will do it --

25 MR. ODAM: I don't have any in mind.

1 THE MASTER: Well, do I get the impres-
2 sion that it would be to everybody's benefit
3 to break at this time, give you time to do
4 whatever additional work you want to do,
5 Mr. Mitchell?

6 MR. MITCHELL: Yes, sir.

7 THE MASTER: And give you time to
8 check your notes to see what you want to
9 do?

10 MR. MITCHELL: We would take up, Your
11 Honor, we would be prepared to take up with
12 this cross-examination and go on and present
13 our case when we reconvene.

14 THE MASTER: You mean reconvene Monday
15 morning, the 1st of December?

16 MR. MITCHELL: Yes, sir.

17 THE MASTER: You are ready to cross-
18 examine?

19 MR. MITCHELL: Yes, sir.

20 THE MASTER: And then out on any addi-
21 tional authenticating brief witnesses that
22 you want?

23 MR. ODAM: Yes, sir.

24 THE MASTER: I suppose in reality, Mr.
25 Mitchell, you could move your case along by

1 getting organized next week?

2 MR. MITCHELL: Yes, sir, I could. I
3 could be honest with the Court, of course,
4 I could flim-flam around for an hour on
5 this witness.

6 THE MASTER: I know you could do that,
7 I certainly know you could do that.

8 MR. MITCHELL: But I submit, Judge,
9 that we could take up with the cross-examina-
10 tion and be prepared to go forward with the
11 balance of the case.

12 I don't know whether I want that remark
13 of the Court in the record of not, but I
14 invited it.

15 And again, Judge Meyers, if the Court
16 wants me to proceed, I can. I just think
17 that it would be a greater -- better flow
18 and much more continuity. I would like to
19 know whether or not the Examiner is finished
20 and I am going to be faced with new testi-
21 mony and if need be, I will waive the right
22 to call him back and let him proceed.

23 MR. ODAM: No, I don't know of anything
24 except this authenticating witness on this
25 B. D. Holt, unless we have just overlooked

1 something the last three weeks.

2 THE MASTER: Well, Mr. Mitchell, you
3 can appreciate in a case of this --

4 MR. MITCHELL: I understand.

5 THE MASTER: This detail, that he might
6 come up with one or two more witnesses after
7 a weeks' delay.

8 MR. MITCHELL: I understand that, Judge.

9 THE MASTER: He is telling you he
10 hasn't got much left now, if anything, but
11 he is not prepared -- he can't rest now
12 because you haven't finished with this cross-
13 examination. Something you might do on
14 cross-examination might give rise to other
15 witnesses.

16 MR. MITCHELL: I understand. Hopefully,
17 it does.

18 THE MASTER: So I will recess now, we
19 have got only two days next week anyhow,
20 unless we decided to work Friday and that
21 sure does split things up.

22 MR. MITCHELL: And as the Court has
23 been made aware, we do have our sentencing
24 on Monday, Judge.

25 THE MASTER: Oh, yes, and it, I guess,

1 conceivably could go over into Tuesday.
2 Do you have any problem with recessing now,
3 Mr. Pipkin?

4 MR. PIPKIN: I would like to consult
5 a moment with the Examiners.

6 MR. ODAM: The only question I have,
7 Judge --

8 THE MASTER: Let's recess, then, until
9 eleven twenty-five and you all consult and
10 decide what you want to do.

11 MR. MITCHELL: All right.

12
13 (Whereupon the hearing was in recess
14 from 11:10 a.m. until 11:25 a.m. when the
15 following occurred.)

16 THE MASTER: All right, I believe I
17 will recess until 8:30 Monday, December the 1st.
18 Will you note that in the record, please.

19 At that time the cross-examination of
20 Mr. Couling by Mr. Mitchell will began and
21 then if you have any further witnesses you
22 will put them on and rest and then the
23 Respondent's case will began.

24 MR. MITCHELL: Thank you, Judge.
25

1 (Whereupon the hearing was in recess
2 from 11:30 a.m. on November 22, 1975, until
3 8:30 a.m. on December 1, 1975.)
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