

**INQUIRY CONCERNING A JUDGE
NO. 5**

DECEMBER 15, 1975

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BEFORE THE
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INQUIRY CONCERNING A JUDGE, NO. 5

DECMEBER 15, 1975

CHATHAM & ASSOCIATES
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GUARANTY BANK PLAZA
CORPUS CHRISTI, TEXAS

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THE MASTER: Are you ready to proceed,
Mr. Mitchell?

MR. MITCHELL: Thank you, Your Honor.

Judge, I went to Austin over the weekend
and one of the reasons was to get my daily
copy copies. Apparently they are stacking
up over at the Judicial Qualifications
office and I have not received the daily copy
for -- Lord, I guess two weeks now. It is
very difficult to follow what has transpired
when I don't hae it or don't receive it.

I wonder if we could get Mr. Pipkin to
send them down here, as the Court knows we
are here in Corpus Christi rather than Austin.

THE MASTER: Yes, the Court does know
that. I think I will ask Mr. Odam to get
Mrs. Pearson to send them to us on the bus.
I had instructed my secretary to deliver the
originals to Mr. Pipkin's office as well.

Would you pick them up and bring them
in, Mr. Mitchell, as they come in on the
bus.

MR. MITCHELL: Yes, I will, Judge.

THE MASTER: I don't have any of last
week's originals, but I do have the week

1 before.

2 MR. MITCHELL: Well, the Court has
3 accommodated us on the December 1st and 2nd
4 transcripts, I do recall those.

5 At any rate, I did want the record to
6 reflect, and I don't know where they were, but
7 consequently, I hope the Court is patient
8 with me, but I have not had the benefit of
9 a transcript.

10 May I proceed, Your Honor?

11 THE MASTER: You may.

12 MR. MITCHELL: I would like to have these
13 marked.

14 (The above mentioned documents were
15 marked R-100, 101, 102 and 103 for identifi-
16 cation.)

17
18 MR. MITCHELL: Over the weekend, Counsel
19 for Examiner has presented copies of Mr.
20 Couling's 72, 73 and 74 returns. I would
21 like to have had 71, however, I am informed
22 it does not exist, however, and I would like
23 to have some space left in the record, and
24 I know the Court doesn't like that, but some-
25 how that I can get a copy from the district

1 office in Austin.

2 I believe we can get a copy there, if
3 there is no objection and waiver of deposi-
4 tion time, that I can attach it.

5 MR. ODAM: What does the deposition time
6 waiver have to do with it?

7 MR. MITCHELL: I would like to take Mrs.
8 Gibson's deposition.

9 THE MASTER: Because she is outside of
10 subpoena range?

11 MR. MITCHELL: Yes, sir.

12 MR. ODAM: There will be no waiver.

13 MR. MITCHELL: Then I will ask that her
14 deposition be taken at such time as deemed
15 appropriate.

16 It is the key year, Judge Meyers.

17 THE MASTER: Well, have you tried to
18 subpoena her and see whether or not she
19 would obey the subpoena?

20 MR. MITCHELL: No, I have not, in view
21 of the fact that it arose late Friday, this
22 situation.

23 THE MASTER: Yes.

24 MR. MITCHELL: I did not know that I
25 would not have the 71 return until the

1 weekend when I got these.

2 THE MASTER: I believe I told you Friday
3 afternoon after Mr. Odam told me that Mr.
4 Douling was on his way and had his tax
5 returns with him except for 71, and that it
6 was lost, because the uncle who died, what
7 was his name?

8 THE WITNESS: Garcia.

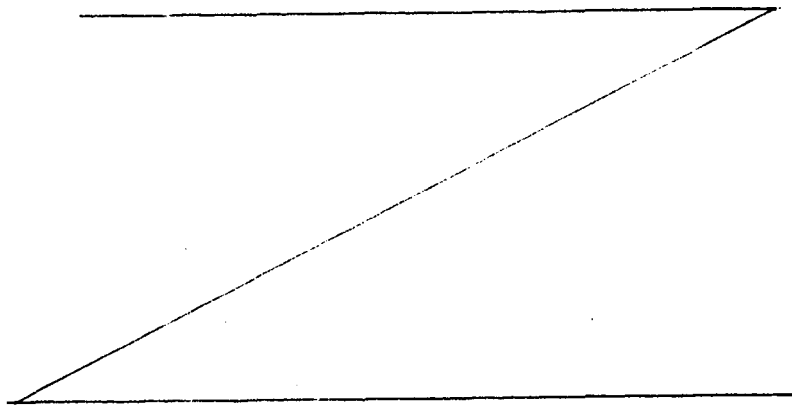
9 THE MASTER: That that disappeared and
10 a lot of other things disappeared when the
11 uncle died.

12 You did know it then, because I knew
13 it at that time myself.

14 MR. MITCHELL: We can get a subpoena
15 then and see if she will honor it.

16 May I proceed?

17 THE MASTER: Yes.



1 O. P. CARRILLO,
2 recalled to the stand.
3

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

5
6 BY MR. MITCHELL:

7 Q I hand you what has been marked R-100 and ask you
8 if that is what you caused to appear in the evi-
9 dence?

10 A It is.

11 Q I refer to R-91, R-92 and R-93. You used those
12 Exhibits as part of the input into R-100?

13 A This is a part of the information I had.

14 Q And did you also use part of the input of the
15 151 through 157 checks as part of the input I
16 furnished you?

17 Let me hand those to you, 151, 2, 3 --

18 A Yes, sir.

19 Q And in addition, did you use part of the input
20 of E-69, that series, that is, picking out of
21 that series the checks and E-75, 76, 82 and 65,
22 those checks?

23 A Yes, sir.

24 Q Now, let me ask you, please, Judge Carrillo, using
25 that information, that is, the data referred to

1 which is not exclusive, I noticed you divided up
2 your income columns. The Duval County and Benavides
3 Independent School District and Duval County is
4 the R-91 Exhibit?

5 A Yes, sir.

6 Q And Benavides Independent School District is R-92?

7 A Yes, sir.

8 Q And the water district is R-93?

9 A Yes.

10 Q And said O. P. would be the reference on the
11 checks that testimony shows were paid to you under
12 various circumstances?

13 A Yes.

14 Q That column, said O. P., the one thousand eight
15 and so forth, those items are referred to in the
16 151 series or 69 series?

17 A Yes, sir.

18 Q Now, Judge Carrillo, your Exhibit, for example,
19 in 1971, reflects payments of seven thousand two
20 hundred fourteen dollars out of a total of money
21 received through Benavides Implement and Hardware
22 of ninety-five thousand seven hundred forty-five
23 dollars.

24 A I think you said seventy-two hundred, would you
25 check that?

1 Q Seven thousand two hundred fourteen.

2 A That is in the column paid to me by Mr. Couling.

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1 Q All right, sir. Now, in '72, the summary of your
2 work shows a grand total of income --

3 MR. ODAM: Your Honor, if I might, is
4 this going to be offered into evidence? If
5 it is, I am going to have an objection. If
6 it's not, I will not have an objection.

7 THE MASTER: That is a proper objection.

8 MR. MITCHELL: Well, let me see.

9 THE MASTER: It is sustained.

10 MR. MITCHELL: Let me see if I have any
11 further predicate questions.

12 Q (By Mr. Mitchell) The information that appears on
13 100, Judge Carrillo, tell us, please, is any of
14 that information made up above and beyond the
15 exhibits that were given to you as input into it?

16 A All of the information that is in R-100, it comes
17 out of exhibits that are already in evidence here
18 in this case.

19 Q All right. Now, let me come on down. Look at
20 Page 2 of the exhibit.

21 A Yes, sir.

22 Q The bottom paragraph.

23 A Yes, sir.

24 Q Those totals, let me ask you, where did you get
25 the figures for those totals? Are those based on

1 the preceding material?

2 A Yes, sir, with an adding machine tape I added all
3 of that from the figures in R-91, R-92 and R-93,
4 plus the checks that are in evidence that have
5 been paid me by Rudolfo M. Couling, plus the
6 checks I have paid Benavides Implement and
7 Hardware in the years covered, and I added them up
8 and subtracted and got this.

9 Q There is no new input into that last paragraph,
10 is there, Judge Carrillo, that does not appear
11 somewhere in the document?

12 A None whatsoever.

13 Q So, line for line, column for column, the data
14 that is in R-100 is taken from the exhibits that
15 have been previously referred to?

16 A Yes, sir.

17 Q Now, I notice in '73, the checks paid by you to
18 Benavides Implement and Hardware, those checks
19 are in evidence, aren't they?

20 A Yes.

21 MR. MITCHELL: Your Honor, I need to get
22 a reference from those for someone reading
23 the record.

24 THE MASTER: Sure.

25 Q (By Mr. Mitchell) Judge, I hand you R-58-1 series

1 and ask you if that is the source of the data that
2 is included in the column O. P. paid Benavides
3 Implement for 1973?

4 A Yes, sir, that is exactly. R-58-1, 2, 3, 4, 5, 6,
5 7, 8, 9, 10 and 11.

6 Q All right. And you prepared R-100 then directly,
7 or it was prepared under your supervision?

8 A Yes, sir.

9 Q And the total, the grand total figures I will ask
10 you, where they were secured, just mechanical
11 computations?

12 A Just by the adding machine tapes.

13 MR. MITCHELL: I offer R-100, then,
14 Judge. It's offered for the following
15 relevancy, if I might, Judge. It's
16 impeachment of Rudolfo M. Couling's testimony
17 as regards the initial establishment of the
18 Benavides Implement and Hardware as being a
19 nickel and dime store that was a product of
20 conspiracy between Judge Carrillo and him.

21 MR. ODAM: Your Honor, I object to that.
22 It was not offered to show that it was a
23 nickel and dime operation. It was not
24 introduced in to evidence to show a conspiracy
25 between the two of them. There is nothing in

1 the evidence to show conspiracy by Judge O.
2 P. Carrillo by Rudolfo M. Couling.

3 THE MASTER: Wait, Mr. Odam. I don't
4 know about the word conspiracy, but the
5 testimony by Mr. Couling was that Ramiro
6 Carrillo came to him with the suggestion that
7 they open up the Benavides Implement and
8 Hardware, as I got it, in order that he,
9 Ramiro, who was then either county commissioner
10 or county commissioner elect, could continue
11 to do business with Duval County since he
12 felt that he couldn't do it with the store
13 he and Judge Carrillo owned; that they would
14 funnel business through Benavides Implement
15 and Hardware and that Judge Carrillo was going
16 to be a silent partner.

17 Now, whether that is a conspiracy or not,
18 I don't know, but that was the thrust of the
19 testimony.

20 MR. ODAM: I agree with that, Your Honor.
21 I agree with the Court's statement as to the
22 statement thus far. What I am saying is that
23 the store was not set up simply for the purpose
24 as Mr. Carrillo would suggest by this testimony
25 to get a few dollars or this total here for

1 Judge O. P. Carrillo. It was set up along
2 the lines of what is suggested by the Court;
3 however, that testimony of which the Court
4 referred to as a silent partnership with
5 Judge Carrillo has been excluded. What I am
6 saying is that the testimony in this record
7 thus far was not intended nor does it
8 indicate that the store was set up simply for
9 the purpose of getting this total amount of
10 money just for O. P. Carrillo and I think
11 that such a statement of a nickel and dime
12 operation is contrary to what the testimony
13 has been in this case.

14 THE MASTER: Well, I will accept that.
15 Certainly, though, it was Mr. Couling's
16 testimony that at first the store wasn't
17 opened very often, just sort of on weekends
18 and when somebody wanted something --

19 MR. ODAM: That's right, sir. This
20 started in 1971 when Ramiro Carrillo came to
21 him and approached him to open the store for
22 these purposes and then it became more
23 operational for more purposes such as we go
24 into here.

25 MR. MITCHELL: Judge, Your Honor, I am

1 sorry. I am not acquainted with Mr. Odam's
2 objection. I stated it for the relevancy
3 and for the offering, and if that is going to
4 cause a problem, I will withdraw it and let
5 the Court make its own conclusion. I don't
6 have --

7 MR. ODAM: I think that will be fine.

8 MR. MITCHELL: But the objections were
9 leveled last Friday at some of the offer on
10 the grounds of relevancy and I thought to
11 make a predicate statement, Judge, as to the
12 relevancy --

13 THE MASTER: And you're right in a
14 sense. It's strange to object to counsel's
15 statement that it's not evidence; that can't
16 be accepted as to a statement of counsel. You
17 offer R-100?

18 MR. MITCHELL: Yes, sir.

19 THE MASTER: Is there an objection?

20 MR. ODAM: Yes, there is.

21 THE MASTER: All right.

22 MR. ODAM: I would like to take Judge
23 Carrillo on voir dire.

24 THE MASTER: All right.

25 - - - - -

V O I R D I R E E X A M I N A T I O N

BY MR. ODAM:

Q Judge Carrillo, you have before you R-100.

A Yes, sir.

Q Did you personally type this out?

A No, sir, it was typed out by my direction. I was there with Jose Saenz and Roberto Elizondo in the office over the weekend, going over all of the figures. We added them up. We dictated. I call in the figures in R-91, R-92 and R-93 and one on the adding machine tape adding them up and another one putting them on the form that we had.

Q Would Jose Saenz be the one that prepared your work papers for your income tax returns?

A No, sir, my income tax returns are prepared by Mr. Kirkland.

Q Work papers, you didn't remember who prepared the work papers? Was that Mr. Saenz who prepared your work papers?

A For my income tax, it would be prepared in my office.

MR. MITCHELL: I thought it was voir dire on R-100. He is talking about work

1 papers on income tax returns.

2 MR. ODAM: I am trying to identify who
3 Mr. Jose Saenz is.

4 MR. MITCHELL: He is the one that
5 introduced the work papers. He is intending
6 to impeach 182-1 and 183-A, Judge.

7 MR. ODAM: I have a statement I asked
8 at that time, and that is who --

9 THE MASTER: The question simply is:
10 Is Mr. Saenz the same man who prepared the
11 work papers that were furnished to Mr. Kirkland?

12 A Part of the papers, the work papers were furnished
13 were fixed up by me. Part by Mr. Saenz and partly
14 by Mrs. Zenaida Montemayor, who was my secretary.

15 Q Now, Judge Carrillo --

16 MR. MITCHELL: Pardon me, Judge. I
17 believe the record also reflects that part of
18 the work papers have Mr. Kirkland's signature.

19 THE WITNESS: And part by Mr. Kirkland.

20 THE MASTER: Part of them are yours?

21 THE WITNESS: Part of them are mine.

22 Q (By Mr. Odam) On the first column, Judge Carrillo,
23 where it says Duval County.

24 A Yes, sir.

25 Q From what source did you get where it says 4-71,

1 two thousand five hundred and twenty-one dollars?

2 A All right. Just a minute.

3 All right. That is a total for the month of
4 May, 1971, adding up seven hundred and fifty
5 dollars and seven hundred and seven hundred and
6 seventy-three eleven.

7 Q Wait, sir. I am sorry. Now, where do you get --
8 I am not with you. You say for the month of May.
9 It says 4-71; that would be April.

10 A Oh.

11 Q Now, what figures did you --

12 A They were taken from R-93, from the figures in
13 R-93 and adding them up in the tape machines. I
14 have the tapes. Mr. Mitchell has the tapes.

15 Q I am sorry. Maybe I didn't make myself clear. I
16 was referring to 4-71 where it says Duval County,
17 two thousand five hundred and twenty-one dollars
18 and twenty-seven cents; R-93, is the water district.

19 A Oh, I am sorry. I had the wrong --

20 All right. That is May of 1971.

21 All right. For May of 1971 --

22 Q You mean April of '71?

23 A I am sorry. April of '71, I added three hundred
24 dollars, two hundred and fifty-four dollars and
25 seventy-five cents, one thousand dollars, one

1 thousand eighty-five dollars and one cent, seven
2 hundred and twenty dollars, five hundred and forty
3 dollars, three hundred and sixteen dollars and
4 twenty cents, and I totaled them up and came out
5 to four thousand, two hundred and fifteen dollars
6 and ninety-six cents.

7 THE MASTER: Now, you're still on May.

8 He is asking about April.

9 Q No, sir, the first one is April of '71.

10 A All right, in April. Then, we go to the two
11 thousand five hundred and twenty-one dollars and
12 twenty-seven cents.

13 Q Yes, sir.

14 A All right. Now, we took three hundred and eight
15 dollars, one thousand and eight dollars, nine
16 hundred and fourteen dollars and forty-seven cents,
17 two hundred and ninety dollars and eighty cents,
18 and that came up to the figure of two thousand
19 five hundred and twenty-one dollars and twenty-
20 seven cents.

21 Q And I would take it then that the B.I.S.D., the
22 second column over, for April of '71, the two
23 thousand three hundred and forty-six dollars and
24 fifty-eight cents, --

25 A Yes, sir.

1 Q -- that would be from R-91 or R-92. I guess it
2 would be R-92 on that particular --

3 A Yes, sir. In 4-5-71, for example, we have one
4 thousand seventy-four dollars and forty-eight
5 cents, six hundred and forty-four dollars and
6 twenty cents, and six hundred and twenty-seven
7 dollars and ninety cents for a total of two
8 thousand three hundred and forty-six dollars and
9 fifty-eight cents.

10 Q Now, with these R-91, 92 and 93, these total
11 payments, would they be -- were these amounts of
12 money that you just referred to that you got from
13 91, 92 and 93; were they deposited in a bank
14 account and, if so, which bank account?

15 MR. MITCHELL: Now, Judge, just a minute.
16 I understood he had him on voir dire. That
17 is not legitimate voir dire. He is recrossing
18 him. He will have an opportunity to take
19 him all over the place.

20 MR. ODAM: Your Honor, the purpose of
21 my objection --

22 MR. MITCHELL: I might add, Judge
23 Meyers, this is the exhibit the Court asked
24 we prepare over the weekend.

25 THE MASTER: I understand.

1 MR. MITCHELL: I would suggest if he
2 has some legitimate voir dire, but he has
3 gone beyond the voir dire and he wants to
4 know the quality of the reflection of the
5 exhibit, and that's not a part of voir dire
6 and we object.

7 THE MASTER: Mr. Odam, what is the
8 nature of the objection you're attempting to
9 develop by voir dire?

10 MR. ODAM: Your Honor, the nature of the
11 objection is this: That I would attempt to
12 show that the statements that are on here
13 with respect to Duval County, B.I.S.D.,
14 water district and total and the amounts of
15 money paid into Judge O. P. Carrillo and the
16 O. P. paid Benavides Implement and Hardware,
17 they confuse two different bank accounts, and
18 taken by itself would tend to confuse the
19 evidence in the case by the mere offer and
20 the admission of this piece of evidence.

21 For example, the Duval County, the
22 B.I.S.D. and the water district were taken
23 from those two. They were monies deposited
24 apparently, I would take it, into the San
25 Diego account.

1 THE MASTER: All right. Now, you're
2 certainly welcome to that.

3 MR. ODAM: Well, that is what I was
4 beginning to do.

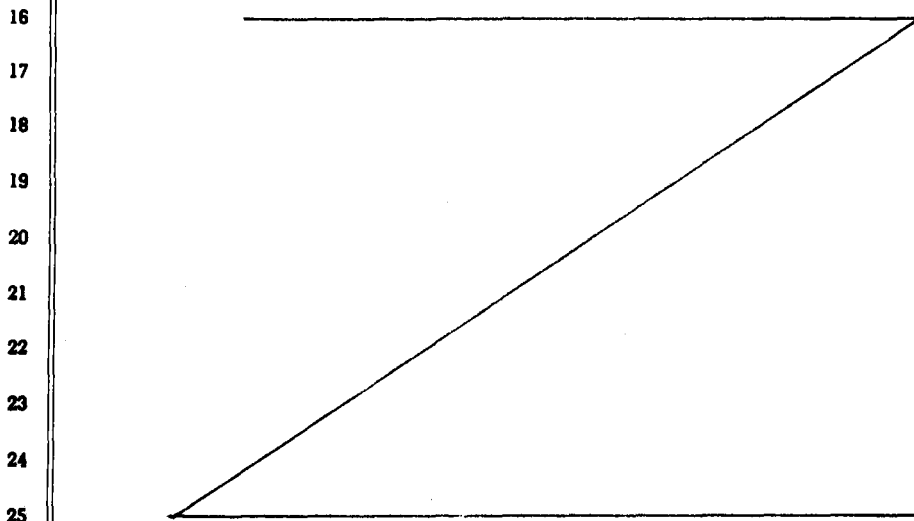
5 THE MASTER: I thought your last question,
6 though, had to do --

7 MR. ODAM: I asked him that. From what
8 source --

9 MR. MITCHELL: If that is a defect, I
10 think it's in his own exhibit furnished to
11 me by the Exhibits 91, 92 and 93.

12 MR. ODAM: Your Honor, it's not my
13 exhibits.

14 MR. MITCHELL: That is where I got it
15 from, 91, 92 and 93.



1 THE MASTER: I will let you develop that,
2 although I am not sure that goes except as
3 to the weight.

4 You may proceed, Mr. Odam.

5 MR. ODAM: Your Honor, if I might pro-
6 ceed then --

7 Q (By Mr. Odam:) Take the first one, for example,
8 Judge Carrillo, where it says Duval County. Is
9 that a total amount of money that goes into the
10 San Diego account or the Rio Grande City account
11 or both accounts?

12 A I took that from R-91 to R-93, which you furnished
13 us at our request. We presume that the work of
14 the Attorney General was correct.

15 Q My question was, did that amount of money from
16 91, 92 and 93, is that the amount of money that is
17 intended to be from Duval County to the San Diego
18 or Rio Grande City bank?

19 MR. MITCHELL: We object. It is not
20 a legitimate voir dire.

21 If that is where they got the data,
22 then we would like to know if that is where
23 the data came from, we don't know.

24 THE MASTER: Well, let's let the witness
25 answer that question rather than you, Mr.

1 Mitchell.

2 THE WITNESS: I don't know which bank
3 accounts he deposited these checks in and I
4 didn't know he received these checks as well.

5 Q So the amount of money you indicated for April,
6 1971, was totaling up what was on those three
7 Exhibits?

8 A That is right.

9 Q And that might have been in San Diego or part of
10 it in Rio Grande City?

11 A Or in Mexico.

12 Q Or in Canada or wherever.

13 A Yes, that is right.

14 MR. MITCHELL: And it doesn't include
15 general public income from sales.

16 Q And I take it that would be the same testimony
17 with respect to Benavides Independent School Dis-
18 trict, that is not anything except the total
19 amount of the money you got from R-91, 92 and 93?

20 A Correct.

21 Q And the paid O. P. Carrillo account, the one thou-
22 sand and eight dollars, what bank account was that?

23 A Those are the checks that you have introduced in
24 evidence here in this hearing as monies R. M.
25 Couling paid me.

1 Q What bank account was that one thousand and eight
2 dollars?

3 A It is an Exhibit that is here in evidence and I
4 have those with me, both as to the ones that were
5 paid to me and both as to the ones I paid Mr.
6 Couling and I have the actual Exhibits and copies
7 of them. I had those except as they appear here.

8 Q And the O. P. paid out account, is that money
9 deposited in Rio Grande City account or the San
10 Diego account?

11 A I don't know where he deposited them. This is
12 checks I paid to Rudolfo Couling and, again, I had
13 the copies before me.

14 Q And the total paid on the second page, 1971 through
15 1975 by the district, I take it that was simply
16 from R-91 through 93?

17 A Yes, the total of three hundred seventy thousand
18 three hundred eighty-two dollars twenty-three cents
19 comes from adding the Duval County column and the
20 Benavides Independent School District column and
21 the water district column, or that is the three
22 totals of the year 1971, 72 and 73.

23 Ther the twenty thousand seven hundred forty-
24 four dollars ten cents is a total that O. P.
25 Carrillo paid Benavides Implemet and Hardware

1 for the total of three hundred ninety-one thousand
2 one hundred twenty-six dollars thirty-three cents,
3 then the total Benavides Implement and Hardware
4 paid O. P. column comes from the column which is
5 stated as such, adding all of the checks paid to
6 me and including the ones paid directly to the
7 Rio Grande City bank for five thousand seven
8 hundred twenty-five dollars thirty-four cents, and
9 that total is twelve thousand nine hundred thirty-
10 nine dollars sixty-eight cents.

11 Q The total Benavides Implement paid to O. P.
12 Carrillo, is that a total amount of money Benavides
13 Implement and Hardware has ever paid you?

14 A I don't know, I understand you have some more
15 checks which I have not seen.

16 Q Well, the total O. P. paid Benavides Implement
17 and Hardware, do you know what bank account that
18 was deposited in?

19 A No, sir.

20 Q That was a total of the Exhibits?

21 A Yes, sir, and didn't reflect the bank account.

22 MR. ODAM: Your Honor, my objection to
23 the introduction of R-100 would be in this
24 form.

25 Mr. Mitchell has asked the witness how

1 it was prepared and he referred to certain
2 Exhibits. Those stand as they are and don't
3 necessitate the admission of R-100.

4 My objection would be to the introduc-
5 tion into evidence R-100 as not a -- would
6 tend to confuse the understanding of the
7 evidence that is in evidence by way of the
8 Exhibits themselves.

9 If I could explain that, you take the
10 first entry, four seventy-one, by Benavides
11 Independent School District and the water
12 district --

13 MR. MITCHELL: Is this argument of law
14 or is he summarizing his objection or what.
15 If it is an argument of law I would like to
16 have the right to respond.

17 THE MASTER: You have the right to respond,
18 but I think this is an objection and in
19 support of that he is trying to explain it.

20 MR. MITCHELL: All right.

21 MR. ODAM: The totals of R-91, 92 and 93,
22 were taken in the first column and I have no
23 reason to believe that the adding machine
24 tapes don't come up with those totals.

25 When we get over to the other columns,

1 paid O. P. Carrillo, it confuses the bank
2 accounts. Where we have paid Benavides
3 Implement and Hardware, the information is
4 that money was deposited in one account.
5 Some of the others were in both.

6 To look at this as a total, as I first
7 did, I presume this was dealing with one
8 bank account. Going back and reading the
9 record, the reference was made as to how
10 much was from R-89, and the question was on
11 that amount and the record will speak for
12 itself, but R-89 refers to the San Diego
13 account.

14 I think to introduce this into evidence
15 is going to confuse the record as to the
16 checks purpose and what they are.

17 That would be my objection and that would
18 be confusing the status of the evidence thus
19 far and the evidence can stand by itself.
20 This would jumble the record.

21 THE MASTER: Mr. Mitchell, do you want
22 to reply?

23 MR. MITCHELL: I am incredulous. R-91,
24 92 and 93 are their Exhibits. The checks
25 of those amounts, and those, if they are

1 confusing, they have done the confusing.

2 THE MASTER: As I understand it, you
3 don't offer this or suggest that this repre-
4 sents one bank account?

5 MR. MITCHELL: No.

6 THE MASTER: Or you are suggesting that
7 it represents --

8 MR. MITCHELL: The status of the record
9 as of this point is what it would represent.

10 THE MASTER: Well, the activity of
11 Benavides Implement and Hardware, irrespective
12 of the bank accounts.

13 MR. MITCHELL: Right.

14 THE MASTER: And irrespective of private
15 sales.

16 MR. MITCHELL: Right, and we are going
17 to show further, when we get to R-101, 2 and
18 3, that he didn't report this.

19 I offer them further, Judge Meyers, to
20 show that his testimony was that he and
21 O. P. ripped off the county to pay for the
22 dozers and ripped off enough to give O. P.
23 Carrillo some money as well. These are
24 exhibits that are in April of 1971, for
25 example, and he took in ten thousand dollars

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and he paid O. P. one thousand. 5-71, he took in six thousand -- in other words, it places it in a summary of all of the data that came in.

THE MASTER: I will overrule the objection and admit R-100.

- - - - -

EXAMINATION CONTINUED

BY MR. MITCHELL:

Q Beginning with 4-71, is there more income into Benavides Implement and Hardware from the water district and the school district account than paid to you?

A Yes, but you confused me.

Q Is there more that came from Duval County and the water district?

A Yes.

Q All right. Let me ask you this. Is there anywhere the income approximates the outgo to you?

A All I received was that one thousand and eight dollars. There is more money that is not shown in the Exhibits that were furnished here to me.

1 Q And you recall Mr. Couling's testimony that you
2 and Ramiro and he turned over this money and gave
3 it to you?

4 A Yes.

5 Q Do you recall his testimony that he didn't have
6 any equipment for rental?

7 A Yes.

8 Q And he had no income from equipment?

9 A Yes.

10 Q And much less any dozers?

11 A Yes, sir.

12 Q Let me show you 102, which is a copy of the income
13 tax return furnished me by counsel.

14 MR. MITCHELL: Well, we offer 102.

15 THE MASTER: What year is that?

16 MR. MITCHELL: This is 73. I am hardout
17 and don't have an extra copy for the Master
18 to look at, but I would like to have the Court
19 to -- do we have an extra copy?

20 THE MASTER: 102 is the 73 return.

21 MR. MITCHELL: Yes, and 103 would be
22 the 74 return.

23 Q (By Mr. Mitchell:) Let me hand you, Judge Carrillo,
24 Mr. Couling's return for 1973, --

25 MR. ODAM: I believe Mr. Mitchell said

1 he is offering these tax returns and this
2 witness cannot authenticate these tax returns.
3 I would stipulate Mr. Couling drove over from
4 San Diego and brought these to me and I
5 turned them over to Mr. Mitchell last Friday.

6 As far as an offer by this witness of
7 these tax returns, an examination of this
8 witness by way of these tax returns --

9 MR. MITCHELL: I am a little hard put
10 to understand that. I am not trying to
11 authenticate these returns through this
12 witness. I am a better lawyer than that.

13 Counsel takes the returns from Mr. Couling
14 and runs the witness off and then hands them
15 to me and says these are his returns.

16 THE MASTER: He is recognizing that
17 these are the income tax returns produced
18 by Mr. Couling pursuant to a subpoena.

19 MR. ODAM: That is correct.

20 THE MASTER: He is simply objecting to
21 your asking this witness questions about
22 these returns, since this witness really
23 knows nothing about them and the returns, I
24 suppose, speak for themselves.

25 Is that what you are saying, Mr. Odam?

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MR. ODAM: Yes, Your Honor.

MR. MITCHELL: Well, that is true, Judge, there is no question about that, the return does speak for itself.

Where is Mr. Couling and I will put him on. I wanted to point out one item on that 73 return and then I won't ask him any more questions and then I want Mr. Couling here to ask him in detail about them.

THE MASTER: You may point out to the Court or Master anything you wish to with respect to this Exhibit which has been offered and has 102 been offered as well?

MR. MITCHELL: 101, 102 and 103 are offered as the 72, 73 and 74 returns.

THE MASTER: Respondent's Exhibits 101, 102 and 103 are admitted.

MR. MITCHELL: I suppose Mr. Couling is here, because I don't recall him being excused by the Court. I assume he is here, because I am going to call him and ask him questions.

Q (By Mr. Mitchell:) Judge Carrillo, I will ask you one question.

THE MASTER: You can just say will you

1 take notice of.

2 Q Judge Carrillo, will you look at the schedule C
3 of the 1973 return, will you take notice of that?

4 A Yes, sir.

5 Q Rental income, how much was that?

6 A Thirty-two thousand six hundred thirty dollars
7 fifteen cents.

8 Q All right.

9 MR. MITCHELL: And of course, I know
10 the Court recalls the testimony of our
11 expert and the distinction between that and
12 the 1065 return. I would like to have Mr.
13 Couling back, however, I don't see him back
14 this morning.

15 THE MASTER: Well, Mr. Odam, obviously
16 Mr. Couling has to be here.

17 MR. ODAM: He is here, Your Honor. Does
18 Mr. Mitchell want to put him on the stand now?

19 THE MASTER: No, I don't know what Mr.
20 Mitchell wants, but I want to finish with
21 Judge Carrillo before we take another witness,
22 however.

23 MR. MITCHELL: Thank you, Judge Meyer:.

24 Q (By Mr. Mitchell:) Judge Carrillo, your testimony
25 in connection with R-100 was that you had paid the

1 sums appearing in 1973, that is R-100, and you
2 paid those amounts of money to Mr. Couling for
3 rent on the bulldozers?

4 A Yes.

5 Q And I believe I gave you E-160?

6 A Yes.

7 Q And that Schedule C thirty-two thousand plus
8 rental shows rental income Mr. Couling reported
9 on rental?

10 A Yes.

11 Q And you recall his testimony that he had no other
12 equipment?

13 A Yes.

14 Q And on those returns, they are R-100, 101, 102 and
15 103, and other pieces of equipment are shown as
16 well?

17 A Yes.

18 Q We will question him at a later time on that.

19 A All right.

20 Q Let me ask you this, please.

21 Do you know of your own knowledge what bank
22 account Mr. Couling was using, Judge Carrillo, for
23 the deposits of your money or any of this money
24 from Duval County?

25 A No, sir, I do not.

1 Q On voir dire, Mr. Odam asked you on several
2 occasions if you were attempting to characterize
3 the bank deposits, were you doing that?

4 A I was not.

5 Q Will you please take R-100 and put it in front
6 of you.

7 A All right.

8 MR. MITCHELL: Well, I want the Court
9 to use that.

10 THE MASTER: Mr. Mitchell, you addressed
11 a question to Judge Carrillo on rent on two
12 bulldozers. That, of course, on this R-102
13 was rent paid out, not rent received.

14 MR. MITCHELL: No, that is a Schedule C
15 of income coming in.

16 THE MASTER: No, sir, it says deductions.
17 The rent on bulldozers is a deduction, as I
18 read the return.

19 MR. MITCHELL: You are right, that would
20 be payments made to Plains Machinery. I
21 suppose if he paid them or made them --

22 THE MASTER: Well, according to his
23 return, it is payments not received by Mr.
24 Couling, but paid out by Mr. Couling.

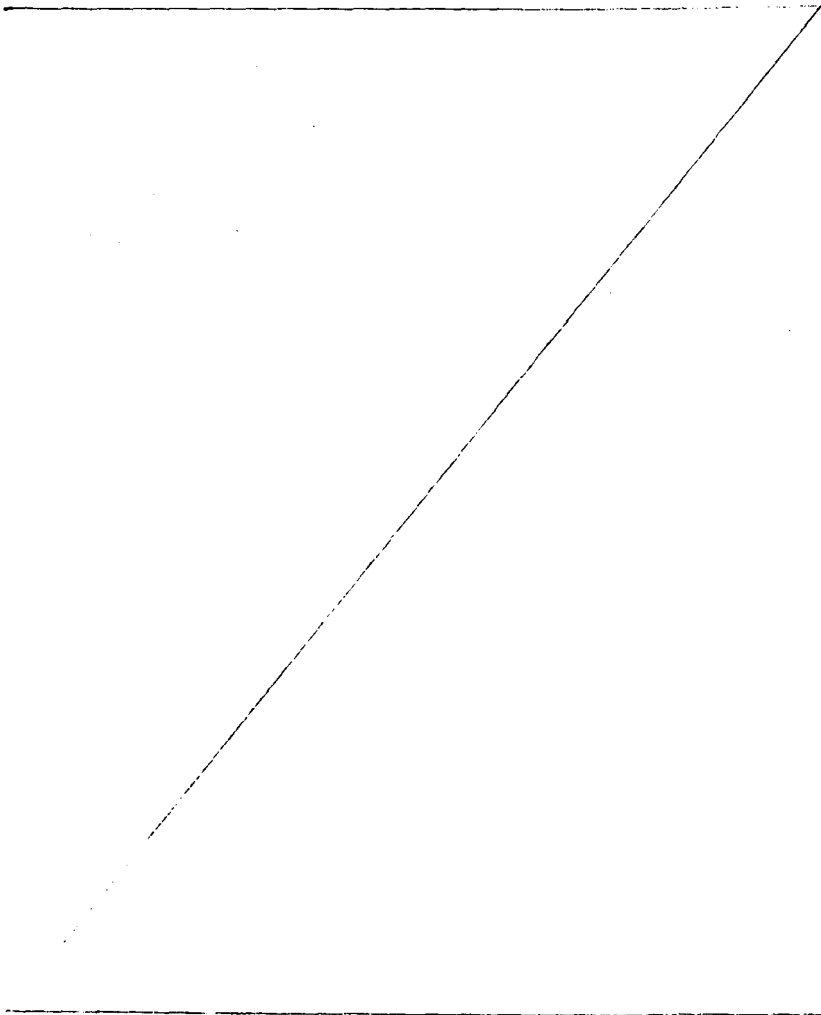
25 MR. MITCHELL: And used as a deduction?

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THE MASTER: Yes, sir.

Q (By Mr. Mitchell:) In light of the Court's observation, that thirty-two thousand six hundred thirty dollar figure comes under the deduction category, is that correct, Judge Carrillo?

A Yes.



1 Q We don't know whether or not he included that in
2 one hundred and twenty-nine thousand six hundred
3 figure, the amount of money you paid him for rent
4 in 1973, do we?

5 A No.

6 Q Will you look at R-100, and I am going to get at
7 this in a minute and look for a '73 income from
8 Duval County, B.I.S.D. and water district, how
9 much income does he have, total income?

10 A For 1971?

11 Q No. No, you're not listening, '73, Judge Carrillo.

12 A '73. Ninety-two thousand, two hundred and
13 ninety-three dollars and forty-nine cents.

14 Q And that figure comes off of R-100, does it not,
15 Judge Carrillo?

16 A Yes, sir.

17 Q As a total income from those three entities?

18 A Yes, sir.

19 Q On his Schedule C in R-102, he shows a one hundred
20 and twenty-nine thousand six o nine eighty-nine,
21 am I correct?

22 A Yes, sir.

23 Q And if you add the amount of money you paid him,
24 which was sixteen thousand nine, what does that
25 come to? That doesn't quite make the one twenty-nine

1 six o nine, am I correct?

2 A I need the adding machine again.

3 Q At any rate, the Court can make that calculation.

4 I would ask you, if you would, look at '72 profit
5 and loss.

6 Now, I am looking at 101. What is the figure
7 for gross sales from those three entities for 1972?

8 A A hundred and twenty-eight thousand four hundred
9 and sixty dollars and ten cents.

10 MR. MITCHELL: Did I confuse the Court?

11 On '72, Judge, the gross figure.

12 Q And if his tax --

13 THE MASTER: His gross figure was not
14 what that reflects.

15 MR. MITCHELL: That's right. Precisely.

16 THE MASTER: Oh, I see.

17 Q If you compare the gross figure one hundred that
18 is made from R-91, 92 and 93 and that reported
19 to Uncle Sam, he is shy, how much?

20 A He is shy approximately twenty thousand dollars.

21 Q Assuming he didn't do a dime's worth of income
22 from any other entity other than these three
23 districts?

24 A That's right.

25 MR. ODAM: I am sorry. Counsel, what

1 were you making a comparison of? You lost me.

2 THE MASTER: He was comparing, and I got
3 lost, also, the gross figure for the profit
4 and loss from business or profession
5 schedule in the 1972 return to the grand total
6 figure from Duval County, Benavides Independent
7 School District and water district shown on
8 Exhibit No. R-100.

9 MR. ODAM: That was comparing the one
10 hundred twenty-eight thousand on R-100 with
11 what?

12 MR. MITCHELL: Schedule C, gross income.

13 THE MASTER: With a hundred and nine on
14 Schedule C.

15 MR. ODAM: All right, sir.

16 MR. MITCHELL: I am going to do the same
17 thing, if it please the Court, on 1974.

18 Q (By Mr. Mitchell) Judge, I am going to take from
19 R-100, the income from 1974, which is on the second
20 page, which is how much gross income from those
21 three entities, Judge Carrillo?

22 A 1974 is forty-seven thousand three hundred and
23 twenty-seven dollars.

24 Q Now, on his Schedule C for 1974, he reports forty-
25 nine thousand six hundred and sixty-six, am I

1 correct?

2 A Yes, sir.

3 Q Showing that it's two thousand -- roughly seventeen
4 hundred dollars worth of business outside of
5 Duval County, Benavides Independent School District
6 and the water district for '74, am I correct?

7 A Yes.

8 Q Of course, we don't know what the figure would be
9 for '71 because we don't have his tax return, but
10 according to R-100, which is a derivation or a
11 chart made from 91, 92 and 93, he did ninety-five
12 thousand seven hundred and forty-five dollars and
13 thirty cents worth of business with those three
14 entities?

15 A Yes, sir, according to R-100.

16 Q But we do know from his testimony that he had
17 roughly a seventy thousand dollar deficiency in
18 his tax bill?

19 A Yes.

20 Q Now, as Judge Meyers pointed out on that '73 return
21 the figure there of the rent on the dozer appears
22 to have been on this Schedule C a deduction
23 against the gross income realized from the
24 operation, profit and loss of a business, does it
25 not?

1 A Yes, sir.

2 Q So, apparently with the federal government, at
3 any rate, he took a deduction of roughly thirty-
4 two thousand dollars rent that he paid on the two
5 dozers?

6 A Yes, sir.

7 MR. MITCHELL: May I have one second,
8 Judge Meyers, to -- I believe I am about
9 finished.

10 THE MASTER: Yes.

11 MR. MITCHELL: And may I talk with my
12 client?

13 THE MASTER: Yes, sir.

14 MR. MITCHELL: And this reason being,
15 Your Honor, I am very careful and want to make
16 sure everything --

17 THE MASTER: Incidentally, are these
18 income tax returns that you put before me the
19 exhibits in evidence or are they copies?

20 MR. MITCHELL: No, these are the exhibits
21 in evidence. They do not have any --

22 THE MASTER: So, I will be sure and
23 give them back to the reporter.

24 MR. MITCHELL: May I, at the request --
25 Your Honor, may I have those duplicated, 101,

1 102 and 103 in view of the fact we don't have
2 copies?

3 THE MASTER: Get the reporter to do so.
4

5 (Whereupon, an off-the-record
6 discussion was had.)
7

8 Q (By Mr. Mitchell) Judge Carrillo, you recall
9 Mr. Couling's contract with Benavides Implement
10 and Hardware was E-160?

11 A Yes, sir.

12 Q And I gave you that, I believe, over the weekend?

13 A Yes, sir.

14 Q In connection with the work that you have done at
15 the Court's request?

16 A Yes, sir.

17 Q Now, you recall that the contract was -- well, let's
18 look at it. Let's don't speculate. What is the
19 purchase price?

20 A The purchase price was thirty-nine thousand one
21 hundred and eighty-six dollars.

22 Q All right. Now, E -- I am sorry, strike that.

23 That is E-160 was superceded by R-50, which
24 is your contract?

25 A Yes, sir.

1 Q And you took over essentially the balance and you
2 agreed to pay how much of those bulldozers?

3 A There was owing -- this is counting interest, the
4 contract itself was thirty-five thousand dollars;
5 thirty-nine is interest and insurance and
6 everything. When I took it over, there was a
7 balance of twenty-two thousand dollars.

8 Q All right. And he deducted thirty-two thousand
9 in his '73 return as being payments, rental
10 payments made on account of those dozers, did he
11 not?

12 A Yes, sir.

13 Q I think the Exhibits 102, Schedule C, reflects
14 that?

15 A Yes, sir.

16 MR. ODAM: Your Honor, if I might clarify
17 that point, Page 2, he is referring to, says
18 rent paid to Plains Machinery Company and
19 B. D. Holt, Corpus Christi, Texas. So, I
20 believe that the thirty-two thousand six
21 hundred and thirty is not just Plains, but
22 he states on the exhibit B. D. Holt, also.

23 MR. MITCHELL: I stand corrected as
24 counsel pointed out.

25 Q (By Mr. Mitchell) Now, the combination contract,

1 E-160, in line with Mr. Odam's observation, that
2 is the two root plows, and E-160 would come to how
3 much, Judge Carrillo? You have told me that
4 thirty-five thousand was the contract for two
5 dozers.

6 A Yes, sir, and the other one was approximately
7 eleven thousand.

8 Q Or a total of forty-six thousand, roughly, am I
9 correct?

10 A Yes, sir.

11 Q He deducted thirty-two thousand of that being rent
12 paid, is that correct?

13 A Yes, sir.

14 Q Of course, you agreed to pay how much when you took
15 them over in 1974?

16 A It would have been one-half of that, which was
17 seven fifty plus five.

18 Q And, of course -- strike that.

19 MR. MITCHELL: May I approach my witness,
20 Your Honor, to be sure --

21 THE MASTER: Yes, sir.

22 MR. MITCHELL: Your Honor, so the record
23 reflects, I am not on these as the Court well
24 knows, and I am representing not only a
25 lawyer, but a judge, and I am very careful

1 to be sure that any observations that the
2 Court -- the judge or my client has, that I
3 certainly want the record to reflect and I
4 am not -- when I approach him this way, I
5 want to be sure he doesn't fuss at me when
6 he is turned loose.

7 Q (By Mr. Mitchell) I believe the record reflects
8 this accurately, but you don't have any knowledge,
9 or do you have any knowledge, Judge Carrillo, of
10 Couling's business as reflected in 91, 2 or 3
11 with the County of Duval or the Benavides
12 Independent School District or the Duval County
13 Conservation and Reclamation?

14 A No, sir.

15 Q Is it a fair statement to say that the first
16 knowledge you had was upon the furnishing of the
17 exhibits by the Examiner?

18 A Yes, sir.

19 Q That we have?

20 A Yes, sir, it was.

21 Q You did not, of course, report on a 1065 form
22 any character of partnership or relationship with
23 Benavides Implement and Hardware, did you?

24 A No, sir, because there was none.

25 Q And you reported that Mr. Couling did not --

1 A Yes, sir.

2 Q -- report to Benavides Implement and Hardware as
3 a partnership.

4 As a matter of fact, the forms are checked
5 sole proprietorship.

6 A That is correct.

7 Q You do not, of course, know any character deal or
8 relationship that might have existed between
9 Cleofus Gonzalez, Mr. Couling or the gentleman
10 that worked with Mr. Couling's store or Mr. Parr
11 or anybody else with regards the securing of the
12 issuance of these checks that have been introduced
13 into evidence into the Benavides Implement and
14 Hardware account, do you, Judge Carrillo?

15 A The only knowledge I have is that when Mr. Parr
16 told me that he wanted to pay me the same way we
17 were paying Mr. Couling, the kind of checks, and
18 I wouldn't accept that form of payment so far as
19 the rental was concerned for the bulldozer.

20 Q All right. Let's look at, say, for example, E-71,
21 the Benavides Implement and Hardware invoice in
22 the hands of Cleofus Gonzalez.

23 A Yes, sir.

24 Q And the statement in the hands of Cleofus Gonzalez
25 which is E-72.

1 A Yes, sir.

2 Q And the check to Benavides Implement and Hardware
3 dated 20 September, '71, which is Exhibit E-74.

4 A Yes.

5 Q And the claim jacket form which is E-73. You had
6 no dealings or relationship between Cleofus
7 Gonzalez with Benavides Implement and Hardware,
8 Mr. Couling or anybody on that money?

9 A No, sir, I did not.

10 Q Now, of course, we know that that money went into
11 Benavides Implement and Hardware account as
12 reflected by R-91. That one specifically went
13 into R-91 as reflected by the exhibits. You had
14 no control -- or did you have any control over the
15 bank accounts, wherever it was, Mexico, Rio Grande
16 City or Alice or San Diego over the monies that
17 went into the Benavides Implement and Hardware
18 account?

19 A No, sir.

20 Q Do you know of any deal made, if there was any deal,
21 between Cleofus and Mr. Couling on splitting that
22 money?

23 A No, sir, I do not.

24 Q Do you know of any kind of deal or relationship
25 between Mr. Parr, Cleofus or Couling on the

1 disposition of that money, Judge Carrillo?

2 A Well, again, I say the knowledge that I have is
3 what Mr. Parr told me after the fact, after it had
4 been done, that he had paid the rental of this
5 bulldozer to Mr. Couling through the county and
6 he wanted me to follow the same procedure, which
7 I would not.

8 Q All right. Your Exhibit 100 shows you paid on
9 account of that bulldozer rental of sixteen
10 thousand nine hundred and twenty-six dollars.

11 A For that one year?

12 Q Right.

13 A The following year, there is -- yes, sir.

14 Q The following year there is some additional sum?

15 A Right. There was a total of twenty thousand
16 seven hundred and some what dollars that I paid
17 towards the payment of those bulldozers and --

18 Q Rental?

19 A -- and rental.

20 Q And your summary shows that you had received on
21 account of rental payments back to you and other
22 sources, twelve thousand nine hundred and thirty-
23 six dollars.

24 A Yes, sir.

25 Q For the same period of time?

1 A Yes, sir.

2 Q Mr. Odam asked you a question as regards of why --
3 a general question, and I want to be fair with the
4 question. Why did all the Carrillo people take
5 the Fifth and the non-Carrillo or Parr people would
6 testify? Do you have an observation on that
7 question, Judge Carrillo?

8 A Yes, sir. I have an observation.

9 Q Will you tell the Court, please?

10 A Well, it's a fact that the Attorney General and
11 the Task Force in Duval County has zeroed in on the
12 Carrillo family and as a precaution about this
13 attack upon us, we are protecting ourselves.

14 Q Making available whatever rights the Constitution
15 has given you?

16 A That is correct.

17 Q I notice in Mr. Couling's 1972 return, we don't
18 have the others, that he reflects the acquisition
19 of certain cattle, Beefmaster cattle, '69, '70,
20 '71 for a depreciation schedule.

21 A Yes, sir.

22 Q Were some of those cattle that you had previously
23 testified to that you had sold him?

24 A I sold him some cattle and two bulls. I am almost
25 sure. He said one, and the more I think about it,

1 I know it's two bulls, not one.

2 Q Well, there is a schedule of depreciation set up
3 and I will just inform you whether you know or not,
4 set up in that earliest return that we have, of
5 acquisitions made prior to the date of that --

6 A Yes.

7 Q And I believe your testimony was that he had on
8 occasions purchased animals from you?

9 A Yes, sir, he has.

10 Q And can you tell us generally, Judge Carrillo,
11 when and the amounts that we are talking about?

12 A I don't remember the date or the amounts. I know
13 that we were selling at a show and I would have to
14 be placing some of my best animals to being sold
15 at the show, and I am very proud of my herd of
16 cattle.

17 Q Well, does Beefmaster, is it a registered type
18 breed?

19 A It's a registered breed. Well, it's a -- they
20 call it a certified breed. Registered goes only
21 to Herefords, Brahmas, Brangus and established
22 breeding like that. Wherever there is a cross
23 that has been developed such as Santa Gertrudis
24 or Beefmasters or Semintols or things like that --
25 that is kind of exotic breeding, those are

1 certified. But in so many words, it amounts to
2 the same thing.

3 Q Judge Carrillo, there is a question in my mind on
4 the counter, and one of those checks is noted a
5 sale of a counter; do you recall?

6 A Yes, sir.

7 Q If you recall Mr. Kirkland's testimony was he did
8 not pick up personal property separately for
9 depreciation.

10 Now, I want to ask you, first of all, when,
11 if you can recall, the counter was acquired and
12 under what circumstances, please?

13 A The counter was acquired in 1962 when I acquired
14 the Vallejo Sales Building to the bankruptcy
15 sale, to the receiver. And it was part of the
16 inventory of the materials or whatever you want to
17 call them that was inside the buildings. I bought
18 the whole thing. They closed the doors and I
19 bought whatever was in there that came in. There
20 were safes, display counters, different --
21 different kinds of inventory that we located in
22 there.

23 Q All right. Now, Judge Carrillo, that was purchased
24 from the trustee and bankruptcy estate in about
25 1962?

1 A As I can best recall, I purchased the Vallejo
2 Sales Building first and I think it was 1962,
3 because I know that it was rented as late as --
4 rather, as early as 1964. It was rented to
5 Zertuche General Store.

6 Q When did it cease operations as Zertuche General
7 Store; do you recall?

8 A 1970, the Zertuche General Store.

9 Q Then, when was the sale made to Mr. Couling; do
10 you recall? You want me to get that check?

11 A It would have been in 1971, I would imagine,
12 something like that, after that.

13 Q All right. About nine years after you acquired
14 it?

15 A Yes, sir.

16 Q Do you still own the Vallejo Sales Building?

17 A I still own it.

18 Q I believe your exhibit reflects a total paid by
19 you of sixteen nine two six on account of a
20 bulldozer rental, am I correct?

21 A For the year '73?

22 Q Yes. And the total deducted by Mr. Couling of
23 seventy-three thousand, roughly, for the same
24 period of time.

25 A Yes, sir.

1 Q And the checks coming into the account from the
2 Duval County, apparently made up the difference
3 between what you paid them and what you paid on
4 account?

5 A Evidently.

6 Q Throughout the period we are talking about, Judge
7 Carrillo, without waiving any objections, Judge
8 Meyers, 71, 72, 73, 74, have you continued to
9 perform your duties as a judge?

10 A Yes, sir.

11 Q And you continued to ride the circuit as a judge,
12 did you not?

13 A Yes, sir.

14 MR. MITCHELL: Judge Meyers, I have no
15 further questions of the witness. I pass
16 the witness.

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E X A M I N A T I O N

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3 BY MS. LEVATINO:
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5 Q Judge Carrillo, I believe last Friday Mr. Mitchell
6 introduced into evidence an example of some of the
7 books that pertained to Duval County welfare
8 claim forms that you had kept in your possession,
9 is that correct?

10 A Yes, ma'am.

11 Q And I believe that exhibit number was R-99.

12 A Well, I would like to see it, please. I am sure
13 you're correct, but I have had so many numbers
14 going through my mind, that --

15 Q R-99.

16 A All right. May I have just a minute to clear my
17 glasses?

18 All right, ma'am.

19 Q Okay. This R-99 was just an example of some
20 forty-four other, or a total of forty-four units
21 which you had here in the courtroom on Friday, is
22 that correct?

23 A Yes, ma'am.

24 Q And you had gone through and looked at those units,
25 I believe; isn't it true, that almost all those

1 books were for the year 1964, with a couple of
2 exceptions of the years 1963 and 1965, but there
3 were no books that showed any dates past 1965?

4 A I thought there was some in there for '66, also,
5 and I could be wrong, but I can check.

6 Q In any event, you saw none of the books in there
7 past 1966?

8 A I can't remember. I would have to go back into
9 the box.

10 Q Did you see any books in there past 1968?

11 A Again, I would have to go and check. I can't
12 answer one way or the other.

13 Q Would you take my word that I checked them and
14 there were no books past 1965, and would you agree
15 with me on that?

16 A I would love to, but taking other people's word
17 lately has got me into a lot of trouble and I had
18 just as soon go into and check it. With all due
19 respect.

20 THE MASTER: Judge Carrillo, is that
21 box here?

22 THE WITNESS: Yes, sir, it's in the trunk
23 of my car.

24 THE MASTER: So, you can do it at a
25 recess?

1 THE WITNESS: Yes, I will be happy to
2 do so, Judge. It's a lot better than me
3 carrying it over here, Judge. If you will
4 just indulge me for a moment.

5 THE MASTER: Surely.

6 THE WITNESS: All right, ma'am.

7 Q (By Ms. Levatino) Okay. Thank you, Judge.

8 You did testify on Friday, however, though,
9 that your signature did appear in R-99 and other
10 examples or other units of which that is an
11 example in the space that shows the welfare
12 authorizing person, I believe, Elvira DeLeon's
13 name is printed on there and usually your name
14 would be written above that as authorizing the
15 welfare recipients to receive whatever was
16 indicated on that slip, is that correct?

17 A Yes, ma'am.

18 Q Okay. And I believe you testified that at some
19 time some other person would actually be writing
20 them out for you or perhaps even sign your name,
21 every once in a while, such as Rudy Couling,
22 George Zertuche?

23 A Minerva Casas.

24 Q Those are the three people?

25 A To my knowledge.

1 Q Pardon?

2 A To my knowledge.

3 Q To your knowledge, right. But you did not
4 identify or didn't see in your review of those
5 forty-four units any other person writing on those
6 books other than those three people and yourself,
7 in the welfare recipients --

8 A I will be perfectly honest with you, I didn't
9 check all of them.

10 Q Well, when you are counting these books during the
11 break, would you also check to see whether or not
12 there are any other signatures?

13 A Now, that is going to be quite a chore and it's
14 going to take more than a break. There is quite
15 a few of them and a lot of page. I will be happy
16 to do it, but I can't do it in --

17 THE MASTER: I don't believe that could
18 be done in twenty minutes. If you're asking
19 him to go through each of these, what,
20 forty-four books, and see if those are the
21 only three who signed his name. That is what
22 you were asking.

23 MS. LEVATINO: Yes, uh-huh.

24 THE MASTER: I don't see how he can do
25 that in twenty minutes.

1 MS. LEVATINO: Would you generally look
2 over those books again, just generally?

3 THE WITNESS: Yes, I will be happy to,
4 but I just don't want to come back and tell
5 you I checked each one and then have you
6 come back and want one that I did not see.

7 THE MASTER: Well, then, I will look at
8 three or four and they are handled differently.
9 I don't remember anybody other than Couling,
10 Zertuche and who is the lady?

11 MS. LEVATINO: Minerva Casas. That was
12 my observation.

13 THE MASTER: But, you know, I just
14 looked at what Mr. Mitchell showed me.

15 MS. LEVATINO: Well, and also, Your
16 Honor, since these units are not all in
17 evidence, only one is, I would like the
18 general statement from him with regard to
19 those.

20 THE MASTER: Yes, I think he has done
21 that. Generally, you're telling us, are you
22 not, that either you signed your own name or
23 initial or if you did not do it, then, either
24 Rudolfo Couling, George Zertuche and I think
25 it's Junior.

1 THE WITNESS: Yes, sir.

2 THE MASTER: Or Mrs. Casas.

3 THE WITNESS: Yes.

4 THE MASTER: There may, you say, be
5 isolated instances of somebody else?

6 THE WITNESS: Yes.

7 THE MASTER: But they would only be
8 isolated?

9 THE WITNESS: I will state the reason
10 for that, Your Honor, and that is until --
11 until that came out, I did not know that
12 Mrs. Minerva Casas was handling any of it
13 until I noticed it, but she was there in the
14 office and there were other people that were
15 also working in the office, and some of these
16 folks might have been out and they might have
17 handled it as regular procedure.

18 THE MASTER: I will tell you, it's
19 possible that Cleofus Gonzalez may have signed
20 one or two for you.

21 THE WITNESS: It's possible.

22 MR. MITCHELL: I know that is a matter
23 of fact, Your Honor, where his signature --

24

25

1 Q (By Ms. Levatino:) Well, then, I will ask you
2 to look at these Exhibits, because in my examina-
3 tion, I didn't find any signatures by Cleofus
4 Gonzalez.

5 THE MASTER: Well, that is to be done
6 over the afternoon session.

7 Will you do that, Judge Carrillo?

8 THE WITNESS: Yes, sir.

9 Q Judge Carrillo, I am now handing you the original
10 claim form H-1-(2), which is reproduced in E-55
11 at page 353 to 355.

12 A Yes, ma'am.

13 Q Last Friday, white slips were looked at, and
14 these were called chits?

15 A Yes, ma'am.

16 Q And that indicated to you not every one of the
17 welfare claims for that month were supported by
18 these white chits?

19 A Yes, ma'am.

20 Q Would you take out those chits and see if you
21 can, by giving the names on the chits and the
22 dollar amount authorized, match them up with the
23 Duval County welfare forms, the printed forms
24 contained within the jacket.

25 MS. LEVATINO: Again, I may ask the

1 Court's indulgence, I am going to ask him to
2 do this on all four of these particular claim
3 jackets.

4 THE MASTER: Yes, the ones where Mr.
5 Mitchell indicated they didn't match up and
6 the ones Judge Carrillo may be done by him
7 in the 60's.

8 MS. LEVATINO: Yes, that is right.

9 That is what I am asking Judge Carrillo
10 to do, if I could.

11 THE MASTER: Well, Judge Carrillo is
12 going to be busy.

13 THE WITNESS: Yes, I know I am.

14 I think I could explain something. I
15 believe, if you will notice the names you
16 find in these four, and all four of them were
17 just about the same people coming in month
18 after month for orders. I think if you com-
19 pare these with the others, you will find
20 the same ones are there.

21 MR. MITCHELL: That is the question I
22 had in mind, that is my question that I was
23 wondering about.

24 Q We do know the same names appear over and over
25 again. Mr. Mitchell indicated that, for example,

1 in H-1-(2), I believe there are twenty-nine differ-
2 ent names and only fifteen of these slips.

3 What I am asking you to do is match up the
4 names on the chits with these particular welfare
5 claim forms. Obviously they have been stapled
6 again and again and so forth, but to what welfare
7 forms, if any, do these fifteen chits in your
8 hand ~~and~~ in that particular claim jacket?

9 I am going to ask you to do that in each of
10 these four jackets.

11 A That is fine.

12 THE MASTER: I am not sure, you all
13 both understand what he is supposed to do,
14 but I am not sure if I do.

15 MR. MITCHELL: I don't either, Judge.

16 THE MASTER: You are asking that he
17 take the chits and do what with them?

18 MS. LEVATINO: Each chit has a name
19 and dollar amount on them.

20 On the Duval County welfare form, there
21 are names and dollar amounts. I am asking
22 him to take these and match them, because we
23 have testimony in the record from Mr. Cleofus
24 Gonzalez that he received these and made up
25 this form of these chits.

1 THE MASTER: Would it be possible,
2 because of the fact that the names repeat
3 themselves that the names might appear on
4 several of the forms?

5 MS. LEVATINO: I suggest that is not
6 possible because of the way this worked.
7 There will be fifteen names on these forms
8 and two names here and they will not appear
9 on any other forms in that claim jacket.

10 In a subsequent claim jacket, there will
11 be some of those same names repeated, but
12 there is a chit for that name represented on
13 that form.

14 THE MASTER: Well, we are almost to
15 break time and let's take a slightly longer
16 break so Judge Carrillo can do that.

17 Do you want him to do the four separate
18 claim jackets?

19 MS. LEVATINO: Yes.

20 THE MASTER: During the break, Judge
21 Carrillo, I will ask you to comply with her
22 request.

23 THE WITNESS: All right. I will start
24 right now.

25 THE MASTER: We will be in recess until

1 10:15, that is almost thirty minutes.

2 MR. MITCHELL: We have also a box now
3 of the forty-four units.

4 THE MASTER: There is no way Judge
5 Carrillo can go through each of those forty-
6 four books and see who signed his name, other
7 than the three people identified, but if he
8 has time to do that, that is fine, but I
9 don't see how he does.

10 THE WITNESS: If they signed my name to
11 it, and unless they initialed, I might not be
12 able to tell you who did that.

13 THE MASTER : That is correct.

14 We will break now until 10:20.

15
16 (A recess was taken from 9:50 until
17 10:20.)

18 THE MASTER: You may proceed.

19 Q (By Ms. Levatino:) Judge Carrillo, would you pick
20 up the original claim form H-1-(2) and it is
21 claim number A-2015. It is found on page 353 of
22 Examiner's Exhibit 55.

23 A I have it.

24 Q I asked you to please compare the names and
25 amounts on the checks in that Exhibit to the Duval

1 County welfare printed forms that are contained
2 in that Exhibit.

3 A Yes, ma'am.

4 Q Were you able to match the chits with the Duval
5 County forms?

6 A Yes, all except two.

7 Q Okay. So the record is clear, could you tell me
8 what date of the Duval County welfare forms you
9 did take to compare the chits with?

10 It is on the Duval County welfare form.

11 A 7-15-70.

12 Q Okay. And for the purpose of the record, that is
13 reproduced on page 355?

14 A Yes.

15 THE MASTER: Of E-55?

16 MS. LEVATINO: Yes.

17 Q All right. Did you find for the welfare depart-
18 ment form dated 7-15-70 a series of eight chits
19 with those corresponding names, the names corres-
20 ponding to those on the welfare county form?

21 A Repeat that.

22 Q Did you find chits within that claim jacket with
23 names and amounts appearing on 7-15-70?

24 A I found two that were not listed on there. The
25 rest were listed on there.

1 Q Which two claims appearing on the welfare form
2 did you not find chits for?

3 A Carrillo and Mrs. Garcia, twenty dollars groceries.

4 Q So the record is clear, on the welfare department
5 form for 7-15-70, neither the name Mrs. Garcia
6 nor Mr. Carrillo appear on that particular form,
7 so it is your testimony there were chits to support
8 each of those names and amounts on the welfare
9 form for the 15th of July, 1970?

10 A No, there were more names than the chits I had.

11 Q Did you find a chit to Elvira Rodriguez for twenty
12 dollars?

13 A Yes, ma'am.

14 Q Okay. Did you find a chit for Mrs. Hinojosa for
15 twenty dollars, and as you go through there, would
16 you put those to the side?

17 A Yes, ma'am. I found it.

18 Q Did you find a chit for, I believe --

19 A Could I go back. There are two Mrs. Hinojosas.

20 Q Well, just use one of them, that is all we are
21 talking about right now.

22 A All right.

23 Q Now, did you find a chit for Gsteurs, is that
24 correct?

25 THE MASTER: I would say Guterrez.

1 Are you talking about the third name on
2 E-55?

3 MS. LEVATINO: Yes.

4 THE MASTER: It is hard to make out,
5 but I would suggest Mrs. Guterrez.

6 THE WITNESS: Yes, there is a Mrs.
7 Guterrez here.

8 Q Did you find a chit for Ross Rodriguez?

9 A Yes, ma'am.

10 Q And Jose Sandojar?

11 A I have one for Joe Sandojar.

12 Q All right. For Mike Ruiz?

13 A Yes, ma'am.

14 Q Tete Chapa?

15 A Yes, ma'am.

16 Q And Mr. Canales?

17 A No, ma'am.

18 Q That may be Carrillo.

19 THE MASTER: And it could be -- I don't
20 know. I retract that. I don't know what
21 name that is.

22 Q A chit for a name, Mr. -- that begins with the
23 letter C, that could be Carrillo or Canales.

24 A If I could see it, it is maybe Mr. Canales.

25 Q Well, it could be Carrillo?

1 A No, ma'am.

2 THE MASTER: No, I don't believe it
3 could be Carrillo.

4 Q Okay. On that form, well, we will leave that
5 last name for the time being and go back to it
6 after we finish that other form.

7 On page 354 of E-55, there is a welfare
8 form dated 7-8-70. Would you find that, please.

9 A 7-15-70?

10 Q No, 7-8-70.

11 THE MASTER: It was originally dated
12 8-8-70 and apparently changed.

13 MS. LEVATINO: Correct.

14 Q Now, did you find a slip for someone named Contreas?

15 A Yes, ma'am.

16 Q For Rosa Chava?

17 A Yes, ma'am.

18 Q Another one for Hinojosa, the second one for
19 Hinojosa?

20 A I think we have already used both of them.

21 Q I believe we have used only one, sir.

22 A I only have four left here.

23 Well, here it is, I am sorry.

24 Q Okay. Garcia, Mrs. Garcia?

25 A No, ma'am.

1 Q There is no chit for her?

2 A No, ma'am.

3 Q Eva Garza?

4 A Yes.

5 Q Mr. Saenz?

6 A Yes.

7 Q Pancho Carrillo?

8 A Yes, ma'am.

9 Q Do you have any other chits remaining?

10 A Yes, ma'am.

11 Q What are those?

12 A Give Mrs. Garcia twenty dollars groceries.

13 Q Could that Mrs. Garcia be Maria Garcia which
14 appears on 7-8-70?

15 A I don't know. I noted in each one they would have
16 the name exactly as the chit appears. That is the
17 reason I don't know if that is the ~~same~~ Mrs.
18 Garcia, because --

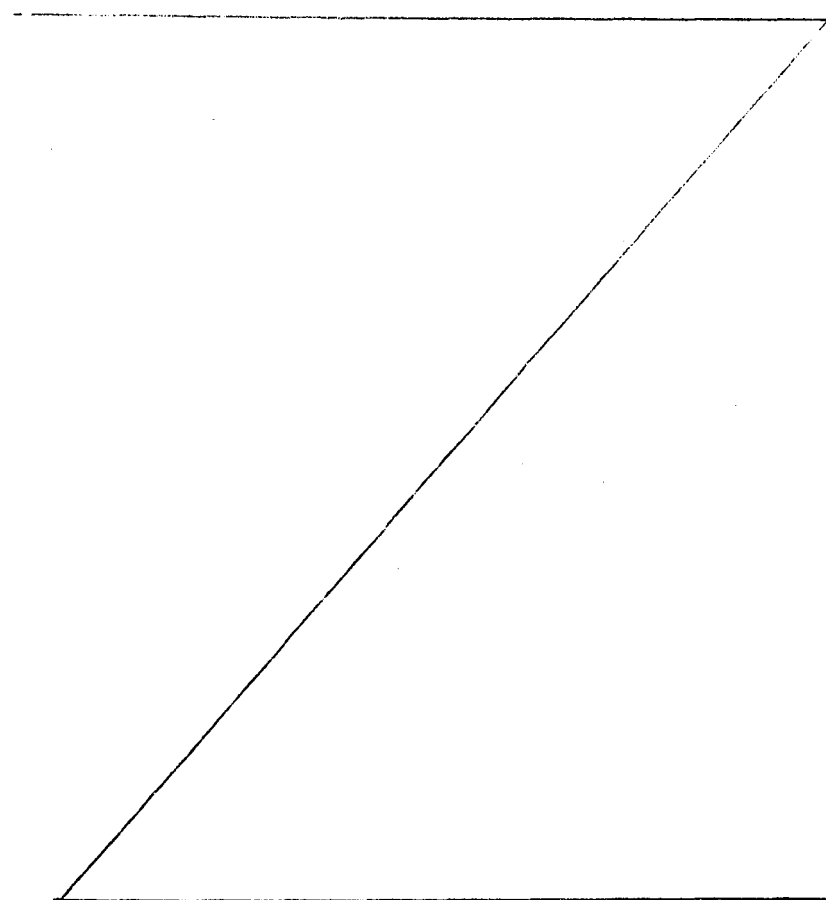
19 Q And what does the other chit that is in your
20 hand say?

21 A Mr. Carrillo.

22 Q All right. Then with regard to claim number
23 A-2015, H-1-(2) and on E-55, the Duval County
24 welfare forms dated 7-8-70, for one hundred forty
25 dollars and for 7-15-70 for one hundred sixty

1 dollars, would be the forms supported by the
2 chits, with the exception of the last two chits
3 we talked about, one being Maria Garcia and Mrs.
4 Garcia on the chit and the other one being Mr.
5 Carrillo on the form and there is some question
6 about -- pardon me, Mr. Carrillo on the chit, and
7 some question on the form, is that correct?

8 A Yes, ma'am.



1 Q All right. So, even though as Mr. Mitchell pointed
2 out last Friday, the entire claim jackets which
3 we are referring to here contained twenty-eight
4 orders, there were fifteen orders -- pardon me.
5 There were fifteen orders which supported just two
6 of those Duval County Welfare Department forms
7 for a total of three hundred dollars, is that
8 correct?

9 A With the exception of two or just two.

10 Q Just those two. In other words, there are two
11 Duval County claim form printed orders in this
12 claim?

13 A Yes, ma'am.

14 Q Which are supported by chits with your question
15 about those last two little chits; understanding
16 that?

17 A Yes.

18 Q But none of those other Duval County welfare forms
19 do contain those white chits?

20 A The others --

21 Q Supporting that?

22 A -- do not have any chits.

23 Q Okay.

24 All right. Moving to Page 360 of Examiner's
25 Exhibit 55, and it would be the original claim

1 jacket A-3040.

2 A Just a moment. Let me put this back before we --

3 Q Yes, sir.

4 A -- before we get all confused.

5 Q A-3040, also designated as H-1 (4). I want to go
6 through the same process with this as we have just --

7 A Yes, ma'am.

8 Q I first would refer you to the Duval County Welfare
9 Department form dated 11-6-70. It contained a
10 series of eight names with twenty dollars groceries
11 each, for a total of a hundred and sixty dollars.
12 Did you find a chit --

13 A 12-6-70.

14 Q Well, it says -- it looks like it was 12-6-70 and
15 then was crossed out to 11-6-70.

16 A Yes, ma'am.

17 Q Okay. Did you find a chit for Pat Garza for twenty
18 dollars?

19 A Just a moment. Yes, ma'am.

20 Q Did you find a chit for Mrs. Hinojosa for twenty
21 dollars?

22 A Yes, ma'am.

23 Q Did you find a chit for Mrs. Rodriguez for twenty
24 dollars?

25 A Again, --

1 Q I believe there is a chit for one, it looks like
2 I.

3 A There is one for Elvira Rodriguez.

4 Q Elvira.

5 A And for Mrs. Rodriguez by itself, there is -- we
6 did not have a chit.

7 THE MASTER: Judge, there should also
8 be one, not only -- it could be Elvira. It's
9 awfully hard to read. There is one for a
10 Rodriguez, whose given name starts with an
11 I.

12 THE WITNESS: Irma Rodriguez, and I
13 could not -- there is a chit for it, but I
14 could not find it on the welfare order,
15 Judge.

16 Q (By Ms. Levatino) Pardon me. Would you take that
17 chit --

18 A But you don't know which Rodriguez it is. It
19 could be either.

20 Q All right. There is two Rodriguezes and only one
21 Rodriguez on --

22 THE MASTER: Right.

23 Q (By Ms. Levatino) Take that Rodriguez -- the one
24 beginning with the given name I., and just set
25 that aside so that we have used one Rodriguez for

1 this particular form.

2 A All right.

3 Q Do you have the chit for Mr. Contreras. I don't
4 know if I am pronouncing that right.

5 A Contreras.

6 Q Contreras.

7 A No, ma'am.

8 THE MASTER: There should be.

9 MS. LEVATINO: Perhaps when we finish,
10 there will be some left over, Judge.

11 THE MASTER: All right.

12 MR. MITCHELL: Excuse me. Pardon me,
13 Judge Meyers. May I have the witness hand me
14 what is in the previous jacket so I can be
15 looking at it.

16 THE MASTER: Yes, sir.

17 MR. MITCHELL: Will that be all right?

18 MS. LEVATINO: That would have been
19 Jacket A-2015.

20 MR. MITCHELL: I am sorry to interrupt,
21 but I thought I would be looking at it. I
22 am sorry.

23 Q (By Ms. Levatino) Okay. Chit for Francisco
24 Carrillo.

25 A No, ma'am.

1 THE MASTER: There should be one for
2 F. C. Carrillo.

3 THE WITNESS: Yes.

4 Q (By Ms. Levatino) Okay.

5 A Yes, F. C. Carrillo, here it is. They were over
6 here in this -- Mrs. Contreras' was over here a
7 little while ago.

8 Q Yes.

9 THE MASTER: Fine.

10 Q Thank you.

11 A I have got that.

12 Q Tete Chapa?

13 A Yes, sir.

14 Q Rosa Garza?

15 A All right. Now, in Rosa Garza I found two.

16 Q Okay. Let's put one down.

17 A (Witness does as directed by counsel.)

18 Q And Mike Ruiz?

19 A Mike Ruiz.

20 Q Okay. Now, turning to Duval County welfare form
21 dated 11-7-70, appearing on Page 361 of Examiner's
22 Exhibit 55, did you --

23 A What, 7 --

24 Q 11-7-70 for a hundred and forty dollars.

25 A Yes, ma'am.

1 Q Okay. A chit for Jose Sendejar or Joe Sendejar,
2 pardon me.

3 A Joe Sendejar, yes, ma'am.

4 Q Mr. Riviera?

5 A Yes, ma'am.

6 Q J. Saenz. I believe there is a chit for Johnny
7 Saenz -- no, I am sorry.

8 THE MASTER: There is one for J. Saenz.

9 Q J. Saenz.

10 A J. Saenz, yes, ma'am.

11 Q Johnny Salinas?

12 A Johnny Salinas, yes, ma'am.

13 Q Felio Diaz?

14 A Yes, ma'am.

15 Q Elvira Rodriguez?

16 A Yes, ma'am.

17 Q And Rosa Garza?

18 A Yes, ma'am.

19 Q All right. Then, isn't it true then for claim
20 jacket labeled A-3040, there are two Duval County
21 claim forms, one dated 11-6-70 totalling a
22 hundred and sixty dollars worth of claims, and
23 one dated 11-7-70, totalling a hundred and forty
24 dollars worth of claims?

25 A Yes, ma'am.

1 Q Equalling three hundred dollars worth of claims,
2 each one of those names being supported by a chit?

3 A Yes, ma'am.

4 Q And those are all the chits in that particular
5 claim jacket?

6 A Yes, ma'am.

7 Q Okay, thank you.

8 A Now, could I make one observation?

9 Q Certainly.

10 A One is 11-7-70 and one, it looked like it was
11 12 and then it was changed to an 11, and the only
12 thing that I notice here is that that Rosa Garza
13 appearing twice and like I stated before, it was
14 a policy of only giving one order once a month
15 and stating that in my belief these orders were
16 given much earlier than this. These two Rosa
17 Garzas appearing two days apart are certainly out
18 of the policy that was had within the Welfare
19 Department set up by the people that were working
20 over there.

21 Q Okay. Now, Judge Garza -- pardon me.

22 Judge Carrillo, I would also like to go
23 through the remaining two claim jackets with you;
24 however, during the break, you did compare the
25 Duval County Welfare Department forms and the chits?

1 A Do you want me to put this back?

2 Q Yes, please.

3 A Now, you want me to put Irma Rodriguez, which was --

4 Q Yes, sir, put it all back in the original.

5 A Put it all back?

6 Q Yes, that's correct.

7 A (Witness does as directed by counsel.)

8 Q Without going through each one of these chits and
9 claim forms as we have been doing, in your
10 comparison during the break, did you find a Duval
11 County Welfare Department -- pardon me.

12 I will refer your attention to Claim No.
13 B-1541.

14 A Yes, ma'am.

15 Q Which appears beginning on Page 380 of Examiner's
16 Exhibit 55.

17 A Yes, ma'am.

18 Q When you examined the chits and the Duval County
19 Welfare Department claim forms in that envelope,
20 did you find a department form dated 6-10-71
21 containing eight names for a total of a hundred
22 and sixty dollars supported by chits; do you
23 recall making that comparison or finding?

24 A Well, I checked all four. Now, I am not -- when
25 you're asking me now to refer to only two out of

1 four claim slips, I checked all four against four
2 slips. So, they might not be within those two.

3 Q Well, then, I think we better go through this.

4 Referring you to Duval County Welfare
5 Department form dated 6-10-71.

6 A Yes, ma'am.

7 Q Did you find a chit for Mrs. Hinojosa for twenty
8 dollars?

9 A Yes, ma'am.

10 Q For Pat Garza for twenty dollars?

11 A Yes, ma'am.

12 Q For Mrs. Riviera for twenty dollars?

13 A Yes, ma'am.

14 Q For Mr. Contreras for twenty dollars?

15 A Yes, ma'am.

16 Q Rita Rodriguez for twenty dollars?

17 A Yes, ma'am.

18 Q Rosa Garza for twenty dollars?

19 A Yes, ma'am.

20 Q Mike Ruiz for twenty dollars?

21 A Yes, ma'am.

22 Q And F. Diaz for twenty dollars?

23 A Yes, ma'am.

24 Q Now, I would like to refer you to Duval County
25 Welfare Department claim form dated 6-21-71.

1 A Yes, ma'am.

2 Q Which appears on Page 382 of Examiner's Exhibit 55.

3 A Yes, ma'am.

4 Q Did you find a slip for Olivera Carrillo for
5 twenty dollars?

6 A Yes, ma'am.

7 Q For, I believe, it's a Mrs. Gine. It looks like
8 G-A-U --

9 THE MASTER: It looks like Guerra to me.
10 What does it look like to you, the second
11 name on that claim form?

12 THE WITNESS: Mrs. Guerra.

13 Q Okay. Mrs. Guerra.

14 THE MASTER: And there appears to be one --

15 A Probably there is one here that -- it looks like
16 Mrs. --

17 MS. LEVATINO: Here it is, if you would
18 like to see it.

19 THE MASTER: Yes, it's the same one that
20 I have on Page 382 of Examiner's Exhibit 55
21 and it's difficult to be sure what the name
22 is.

23 MS. LEVATINO: That's correct.

24 THE WITNESS: To me that looks like
25 Garcia.

1 THE MASTER: It could be.

2 Q Okay. Robert Saenz.

3 A Yes, ma'am.

4 Q Okay. Mrs. Hinojosa?

5 A Yes, ma'am.

6 Q Rita Garza?

7 A Yes, ma'am.

8 Q And F. --

9 A F.C.O., that is --

10 Q F.C.O.?

11 A That is Francisco.

12 Q Carrillo?

13 A Yes.

14 Q Okay. So, isn't it true, Judge Carrillo, that in
15 Claim Jacket B-1541, there were two Duval County
16 Welfare Department forms, one dated 6-10-71 for
17 a hundred and sixty dollars and one dated 6-21-71
18 for a hundred and forty dollars, which were
19 supported by the chits which we have just
20 examined?

21 A Yes, with exception that we also had one left over
22 that was in here that was not in the list.

23 Q And what does that one say, sir?

24 A "Give Mrs. Garza twenty dollars."

25 Q Mrs. Garza.

1 All right. Would you hold that out for just
2 a moment and put the rest of the material into the
3 claim jacket, please?

4 A Yes, I can, but I haven't done that to the others.

5 Q Yes, I know.

6 A There were two or three in the others, yet --

7 Q Yes. Well, just hold that one out.

8 THE MASTER: But the chit that you say
9 was not identified on the claim form is,
10 Give Mrs. Garza --"

11 THE WITNESS: Yes.

12 THE MASTER: As opposed to Rosa Garza?

13 THE WITNESS: Well, Rosa Garza did have
14 a chit, yes.

15 Q (By Ms. Levatino) You should have had --

16 THE MASTER: Yes, I see the Rosa Garza
17 chit.

18 Q There should be another Rita Garza. Do you have a
19 chit for Rita Garza?

20 THE MASTER: Yes.

21 Q In the actual chits that you're looking at?

22 A Yes, I think we did.

23 Q Yes, okay.

24 A Yes, there is one.

25 Q Okay. I would ask you then just to hold this one

1 chit, Mrs. Garza, out, please.

2 THE MASTER: Is the "Give Mrs. Garza"
3 chit that you have held out the one I saw
4 earlier that we weren't sure whether was
5 Garza or Guerra?

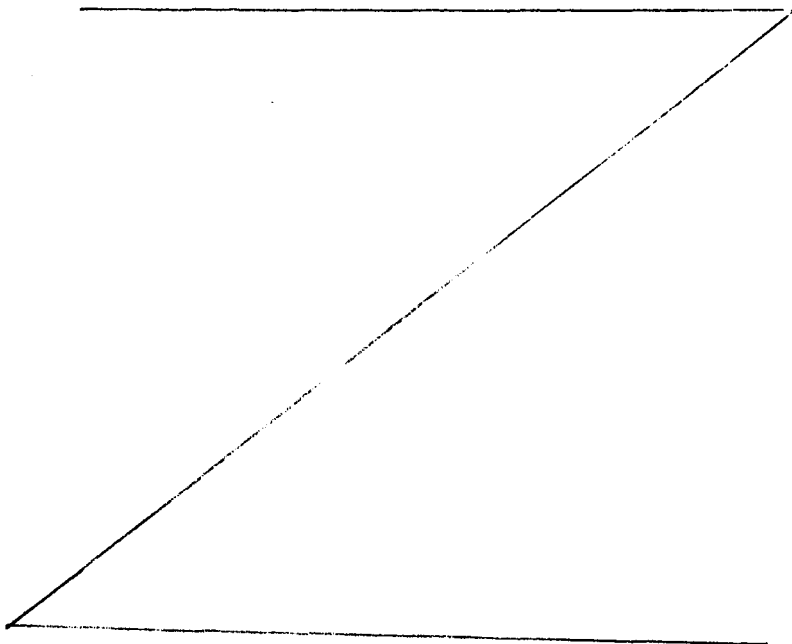
6 THE WITNESS: Well, one --

7 MS. LEVATINO: No.

8 THE WITNESS: One or the other. If it
9 is, then, we still have one left. One or the
10 other would still be left.

11 THE MASTER: That is right. There is
12 one left over in any event.

13 THE WITNESS: In any event.



1 Q Now, I would turn your attention finally to the
2 last claim showing, C-2139 on page 405 of E-55.

3 A Yes, ma'am.

4 Q And ask you to find a Duval County welfare depart-
5 ment claim dated August 10, 1972.

6 A Yes, ma'am.

7 Q Okay. Did you find a claim slip for Mrs. Canales
8 for twenty dollars?

9 A No, ma'am.

10 Q Mrs. Sandojar?

11 THE MASTER: What page is that?

12 MS. LEVATINO: 406.

13 THE WITNESS: There is one for J.
14 Sandojar.

15 Q Would you put that aside?

16 A Yes, ma'am.

17 Q Now, I believe it is Carrillo or Castill --
18ardon me, Castillo.

19 A Yes, ma'am.

20 Q M. Perez?

21 A Mrs. Perez.

22 Q Yes, that is correct. All right. I believe it
23 is Rosa Chapa?

24 A Rosa Chapa, yes, ma'am.

25 Q M. Garcia?

1 A Mrs. Garcia, yes, ma'am.

2 Q J. Sandojar?

3 A I believe that was one I put aside.

4 Q All right. And Mrs. Hinojosa?

5 A Yes, ma'am.

6 Q Turning now to Duval County welfare department
7 claim dated 8-16-72, do you have a chit for Rosa
8 Garza?

9 A 8-16?

10 Q Yes, sir.

11 A I don't have an 8-16.

12 THE MASTER: It could be 10-16 rather
13 than 8-16.

14 MS. LEVATINO: Pardon me, it is 8-10-72.

15 THE MASTER: The first one was also
16 8-10-72.

17 MRS. LEVATINO: Yes, sir.

18 THE MASTER: And this one is -- the
19 first one is August 72?

20 MS. LEVATINO: Yes.

21 THE MASTER: And the one you are referr-
22 ing to now is 8-10-70?

23 MS. LEVATINO: Yes.

24 Q (By Ms. Levatino:) A chit for Rosa Garza?

25 A Yes, ma'am.

1 Q For Mrs. Garza?

2 A Yes, ma'am.

3 Q Rita Rodriguez?

4 A Yes, ma'am.

5 Q F. Dias?

6 A Yes.

7 Q I believe it is Carrillo?

8 A I believe that could be Carrillo.

9 Q Do you have a chit to correspond with that, sir?

10 A I have a chit to Olivero Carrillo.

11 Q Okay.

12 A Again, I say generally, they are put down exactly
13 the way the chit states. This one I have that I
14 could not locate this on the welfare order.

15 Q Okay. Pat Garza?

16 A Yes, ma'am.

17 Q And Mike Ruiz?

18 A Yes, M. Ruiz.

19 Q Okay. So is it not true that on the Duval County
20 welfare department claim forms, one written 8-10-72
21 for one hundred sixty dollars and one indicated
22 8-10-72 for one hundred forty dollars, there were
23 chits corresponding to the names and amounts
24 represented in those welfare department claims.

25 A There is two left over.

1 Q What are the two left over?

2 A Mrs. Canales and Olivero Carrillo.

3 Q Olivero Carrillo, is that the one we discussed as
4 to 8-10-72 that could be Carrillo or not?

5 A I don't know.

6 Q Is that the one you were referring to?

7 A I said there was one here.

8 Q And Mrs. Canales, that one you testified just
9 previously about, you could not find one to match
10 the Mrs. Canales that appears on the Duval County
11 welfare department for August, designated as
12 Aug 10-72.

13 A Yes, ma'am.

14 Q So that could be that Mrs. Canales?

15 A Yes, ma'am.

16 Q Now, in going through these four claim jackets,
17 it appears that there were some questions as to
18 the legibility on some of these forms and on the
19 chits themselves, but in each of these there were
20 fifteen chits which supported two separate orders,
21 one for one hundred sixty dollars and one for
22 one hundred forty dollars, which were submitted
23 to the commissioners court for groceries, is that
24 correct?

25 A Yes, ma'am.

1 Q Okay. And it is your testimony that these chits,
2 while written by you, were not written at the
3 time indicated on the Duval County welfare form
4 which we have identified?

5 A That is my contention.

6 Q And that is because you were not involved in giv-
7 ing out welfare forms at that time, as shown by
8 these forms?

9 A Yes, that is as I recall.

10 Q It is your testimony -- is it true, Judge
11 Carrillo, that these white slips were written
12 by you and were written to support these fraudulent
13 claims which were submitted to the commissioners
14 court so you could get your return on groceries?

15 A That is a lie.

16 MS. LEVATINO: That is all I have.

17 MR. ODAM: We would like to move to
18 paragraph 7 through 12.

19 THE MASTER: You may do so.

20 MR. MITCHELL: May we keep these for
21 a possible re-direct?

22 THE MASTER: Yes, of course, try to
23 keep them together.

24 MR. MITCHELL: I will, Judge Meyers.

25 THE MASTER: I found it was best to

1 take one at a time and put it back before
2 going to another.

3 MR. MITCHELL: I would like to send up
4 all four of these in the original form,
5 because examination of these various charts
6 and documents in it's raw, so to speak,
7 reveals, I think, the fact that the Examiner
8 would agree with, that these reproductions
9 would not reveal everything as well as the
10 original.

11 THE MASTER: There is no question they
12 are clearer than they are in E-55.

13 I don't know the problem of taking up
14 the originals, what is the problem?

15 MS. LEVATINO: When I checked out the
16 originals from the Senate, I assured them I
17 would have the originals back to them by
18 January 5th when they start the proceedings.
19 I have no objection to having the originals
20 submitted to the Commission, but I do think
21 some further arrangements would have to be
22 made with the Senate as to these particular
23 four originals, should they not be available
24 to the Senate on January 5th.

25 MR. MITCHELL: I have reference to the

1 fact that the yellow chits have holes in them.
2 We challenge the authenticity of them.

3 THE MASTER: You mean the obvious
4 staple marks?

5 MR. MITCHELL: Yes, and there is no
6 way to reproduce those holes. I think anyone
7 in the law business -- I can count, for
8 example, on one of them, one, two, three,
9 four, five, six sets, Judge Meyers, and I
10 didn't intend to commandeer them from the
11 Senate, but --

12 THE MASTER: Well, let me ask you this.
13 Do you agree any time the Senate wants
14 them back they could be withdrawn?

15 MR. MITCHELL: Absolutely.

16 THE MASTER: With that understanding, is
17 there any problem?

18 MS. LEVATINO: No, I don't see any.

19 THE MASTER: If it comes to a question
20 of whether the Senate or the Judicial Quali-
21 fications Commission has them, certainly,
22 we can xerox them individually as life-sized
23 and probably they will reproduce at that
24 those staple marks.

25 MR. MITCHELL: Yes, that is true.

1 THE MASTER: Although I agree that is
2 not as well as the original.

3 MR. MITCHELL: As the Court knows, we
4 use a motion to request that a given Exhibit
5 be sent up in it's original form because of
6 the contention of looking at the original
7 as compared with the copies.

8 THE MASTER: Yes, but these are Exhibits
9 withdrawn from the Senate of the State of
10 Texas and they have a prior claim to these
11 Exhibits and we will reach an agreement if
12 they want them back, they get them back.

13 MR. MITCHELL: Thank you, Judge Meyers.

14 MR. ODAM: Do you have your copy of the
15 Second Amended Notice that Judge Carrillo
16 could look at?

17 MR. MITCHELL: I sure can, John, do
18 you mean the First Amended?

19 MR. ODAM: Yes.

20 MR. MITCHELL: I can hand him my copy.
21 Excuse me, Judge Meyers, may we have the
22 Court sign a subpoena for Mrs. Gibson, the
23 custodian of the Internal Revenue Service
24 records?

25 THE MASTER: Yes.

1 Off the record.

2
3 (Discussion off the record.)

4 MR. ODAM: Your Honor -- on the record.

5 THE MASTER: Yes, on the record.

6 MR. ODAM: This is not made in response
7 to the Court's inquiry, but as I stated
8 before, the subpoena range is one hundred
9 miles. We would object to the issuance of
10 a subpoena outside of the range and I don't
11 know what would be the proper time to raise
12 that objection, now or later, but if it is
13 now, I now raise it.

14 MR. MITCHELL: I had initially requested
15 a waiver of the notice and a request to fill
16 that gap that I would be required to see if
17 they ignored or honored it, but it is --

18 THE MASTER: Well, of course, where you
19 intend to have the subpoena served, that is
20 a matter beyond my knowledge. She may drive
21 down to Victoria and be within the one hundred
22 miles for all I know.

23 It is the witness' prerogative.

24 Well, I will sign the subpoena.

25 MR. MITCHELL: Thank you, Judge.

1 THE MASTER: Well, I will sign the
2 subpoena.

3 MR. MITCHELL: Thank you, Judge.

4 You are going to what paragraph, John?

5 MR. ODAM: 7 through 12.

6 THE MASTER: Off the record.

7
8 (Discussion off the record.)

9 THE MASTER: You may proceed, Mr. Odam.
10

11 - - - - -

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

14
15 BY MR. ODAM:

16 Q Judge Carrillo, I show you the copy of the pro-
17 ceedings for December 12th.

18 MR. ODAM: Judge Meyers, do you have a
19 copy of it?

20 THE MASTER: Yes, sir, however, Mr.
21 Mitchell does not.

22 MR. MITCHELL: No, I do not, but if I
23 could look over my client's shoulder, then
24 I can do it that way.

25 THE MASTER: You can do that.

1 Q (By Mr. Odam:) I will ask you to turn to page 3641.
2 I would like to clarify some of the testimony there.

3 MR. MITCHELL: If Counsel is going to
4 ask him to look at the record, I am satisfied
5 my client has enough professional background
6 to read the record and --

7 THE MASTER: You can look over his
8 shoulder if you feel that is necessary.

9 MR. MITCHELL: Thank you, Judge Meyers.

10 THE WITNESS: All right, sir.

11 Q This is about the time that Mr. Mitchell began
12 to ask you a series of questions, and I will ask
13 you to refer to line 12 and read the question and
14 answer.

15 A Line 12?

16 Q Yes, sir.

17 A Read it?

18 Q Yes, sir.

19 A "And now, you would note the position of the
20 Articles of the specifications here that you
21 answered into, first of all, a partnership in May,
22 1971?"

23 Q And what was your answer?

24 A Yes, sir.

25 Q And now, I would like for you to again examine --

1 Mr. Mitchell referred to Articles and Specifications
2 and I presume it would be the First Amended Notice.

3 A It is a note that I entered into a partnership --

4 Q Turn to the First Amended Notice of the Formal
5 Proceedings and point out where you say that alle-
6 gation of a partnership is contained.

7 A That is right.

8 Q What is right?

9 A It is not in Article 7.

10 Q Well, is it in Article 8?

11 A No, sir.

12 Q Is it in Article 9?

13 A No, it is in none of these Articles that I read
14 from. The partnership came up during Mr. Couling's
15 testimony.

16 Q Well, going back to the question, you will note
17 it is the position of the Articles and Specifications
18 that you entered into, first of all, a partnership
19 in May, 1971.

20 MR. MITCHELL: The sentence is a frag-
21 mentary sentence. I commence the question
22 and then break off the question.

23 There is no allegation of a partnership
24 and that is a basis for our pre-trial motions
25 and --

1 THE WITNESS: I believe the answer is
2 on line 20.

3 MR. ODAM: All right, sir.

4 MR. MITCHELL: It is unfair to question
5 a witness --

6 THE WITNESS: Line 19, you had no part-
7 ner, and I said I had none whatsoever.

8 Q Will you agree with Mr. Mitchell that the allega-
9 tions in the Article of Specifications, as he
10 has referred to them, there is no allegation of
11 a partnership stated there.

12 A That is correct.

13 Q So the answer to this question, what would be your
14 answer to that particular question?

15 You will note the position of the Article
16 of Specifications with respect to a partnership.
17 Do you see anything like that?

18 A No, sir.

19 _____
20 _____
21 _____
22 _____
23 _____
24 _____
25 _____

1 Q Now, referring to Page 3642, if you could, read
2 the question that begins on Line 4 there, please,
3 sir, and your answer to that question.

4 A "All right. Now, the total cost --" let me ask
5 you --

6 Q The total what?

7 A Cost.

8 Q Okay.

9 A Let me ask you some oral questions. First of all,
10 the checks that came in April of '71, that came
11 in April of '71, that period of time, they are in
12 evidence here, of course, and are reflected on your
13 tax return in the manner which the records already
14 speaks, am I correct?

15 A Yes, sir.

16 Q Now, Judge Carrillo, I believe by that question,
17 Mr. Mitchell is referring to all the checks that
18 were in evidence to you?

19 A Mr. Odam, I have been on the stand for -- since I
20 believe a week ago last Thursday and I can't
21 remember exactly.

22 Q Well, in clarification of the answer to that
23 particular question, would you agree that not all
24 of the checks which are written out to you were
25 indicated on your tax return to clarify that

1 answer. I refer specifically to refresh your
2 memory to a check for a thousand eighteen dollars
3 that we discussed and also a check for a thousand
4 two hundred that was indicated as a loan, but as
5 the Master pointed out, the testimony was in dispute
6 as to whether or not that was an advance.

7 Mr. Kirkland stated that those two were not
8 on the income tax return.

9 A Yes, but can I explain that?

10 Q Yes.

11 A After Mr. Kirkland testified for the first time,
12 since the filing of that tax return, do I realize
13 that perhaps it was not reported like I say. My
14 practice is, and perhaps even a bad one, is that
15 all -- all checks that are paid to me, for
16 whatever purpose, are deposited. Then, those
17 deposits are returned to me with a statement at
18 the end of the month.

19 Now, I never open the statements. The
20 statements are kept in the file until the end of
21 the year when it comes time to work up the income
22 tax returns, then, we work on them and send
23 everything to Mr. Kirkland.

24 Q Well, my question --

25 A It's supposed to be taken up by the accountant and

1 as far as I know, to the best of my knowledge and
2 belief, everything that is paid to me through a
3 check would have been reported because my position
4 is that I have reported everything. If through
5 error the accountant failed to pick it up or
6 something at the time that I made the statement.
7 insofar as I was concerned, everything has been
8 reported. And I still think it has.

9 Q You think that the thousand eighteen has been
10 reported?

11 A If it was missed, it was missed through an error
12 which should have been caught by the accountant
13 and the amendment, I guess, ought to be made as
14 far as that is concerned. But my intention has
15 always been, you will notice that it goes throughout
16 all of that, that those checks are deposited and
17 taken up by the accountant.

18 Q Well, you would agree, however, in light of
19 Mr. Kirkland's testimony, that those particular
20 ones, for whatever reason, whether or not
21 Mr. Kirkland made an error and they were not
22 reported to him, that not all the checks which are
23 in evidence were reported; wouldn't you agree that
24 in light of Mr. Kirkland's testimony is the status
25 of the record?

1 MR. MITCHELL: Excuse me, Your Honor.

2 I don't know whether that objection -- that
3 question is subject to the objection reported.
4 Now, twelve hundred item -- the twelve hundred
5 dollar item is labeled loan. It wouldn't be
6 reported. It doesn't have to be reported.

7 THE MASTER: Well, it may or may not be.
8 Of course, the accountant did not have the
9 check, couldn't have the check, testified --

10 MR. MITCHELL: That is right.

11 THE MASTER: Judge Carrillo has testified
12 that it was a loan only in a sense; that it
13 was an advance of rentals that were owed.

14 MR. MITCHELL: Right.

15 THE MASTER: And would be credited
16 against the total amount of rentals on the
17 water well rig.

18 MR. MITCHELL: Right.

19 THE MASTER: That was being used.

20 MR. MITCHELL: Notwithstanding the
21 item contained alone --

22 THE MASTER: Irrespective, it may well
23 be legal income to him.

24 Now, the fact that it's not on a return
25 is not a matter that we are considering here.

1 MR. MITCHELL: And the 1018 said, as
2 I understand it, Your Honor, said transfer of
3 funds.

4 THE MASTER: That is correct.

5 MR. MITCHELL: So, to that extent it has
6 been reported. The use of the word reported --

7 THE WITNESS: I imagine that I received
8 all of those checks.

9 Q (By Mr. Odam) So, you would acknowledge receipt
10 of the check for a thousand eighteen?

11 A Yes, I do.

12 Q Received a check for a thousand two hundred?

13 A Yes, I acknowledge that.

14 Q But you would agree as far as reporting to the
15 Internal Revenue Service by way of the 1040 form,
16 whether or not they were income or not, that not
17 all of the checks in evidence were actually
18 reported? That is the question. I am not
19 arguing about whether or not it was -- you thought
20 it was income or whoever prepared the work sheets
21 for it.

22 A Like I say, I can see where the loan might have
23 been mixed up. If on the deposit slips it showed
24 loan, twelve hundred dollars, then, I was not the
25 only one that made up this work papers and if it

1 was a loan, it might not have been included as
2 income because they noticed that on the -- now,
3 this is just speculation on my part, that on the
4 deposit slip that fits that loan, and that would
5 not be included in the column that went in for
6 income. But I might have, Mr. Odam, as I will
7 confess, I might have made a mistake in thinking
8 that everything had been reported and might have
9 missed an item. If I did --

10 Q Well, I just simply want to clarify for the record
11 that the statement on that particular page, 3642,
12 is that all the checks you received were reported --

13 A At the time the statement was made, to my best
14 information and belief that was correct and might
15 still be; I don't know. Like I said, I couldn't
16 understand or read my own type of return.

17 Q I refer you, Judge Carrillo, to Page 3642 again
18 and ask you if you could read the question and
19 answer that appears at Line 18 and the answer at
20 Page -- or at Line 22, please, sir.

21 A Line 22.

22 Q Yes, sir. First of all, the question at Line 18.

23 A All right.

24 "All right. Now, the reason that I pointed
25 that up, and that is on that page in R-91, that

1 is the detail analysis contained in R-91 of the
2 rent income; am I correct, Judge Carrillo?

3 Answer. Yes, sir."

4 Q Now, is it your testimony, Judge Carrillo, that
5 R-91, R-92 and R-93 would reflect the rent income
6 of the Benavides Implement and Hardware?

7 MR. MITCHELL: The question was that
8 page in R-91.

9 A There is a page in here that we were referring to,
10 Mr. Odam, if I might --

11 Q All right. I believe I know what you're --

12 THE MASTER: It's a page that has the
13 '73 information on it. It starts -- the
14 beginning entry is 12-12 entry.

15 MR. MITCHELL: '72.

16 THE MASTER: '72, and that is where I
17 got confused Friday, but it's a '73 figure
18 that Mr. Mitchell was inquiring about.

19 MR. ODAM: Yes, sir, I understand.

20 Q (By Mr. Odam) If I might look at that question
21 again. Maybe I -- right. The question is: That
22 is on Page R-91. That is a detailed analysis that
23 is contained in R-91 of the rent income, am I
24 correct?

25 A Yes, sir.

1 Q Now, I would like for you to look at that
2 particular page in R-91 and it's your testimony,
3 that that is a detailed analysis of rent income?

4 A It shows here that Mr. Couling was receiving rent
5 from bulldozers, winch truck, tractors.

6 Q Well, let me, if I might, interrupt you to ask some
7 questions on that.

8 Do you know who prepared R-91?

9 A No, sir, this was delivered by you, Mr. Odam, to
10 us.

11 Q And do you know who made those particular notations
12 that you're referring to there?

13 A No, sir, I have no idea.

14 Q If I could turn to mine, and Judge, I am sorry,
15 because I don't have an additional copy of it.

16 MR. MITCHELL: I have reproduced that
17 page.

18 MR. ODAM: Oh, you did?

19 MR. MITCHELL: For that reason. Is it
20 all right if I hand -- Judge, this is the
21 page that he is -- 1272.

22 THE MASTER: Yes, thank you.

23 Q (By Mr. Odam) And let's look at what you say is a
24 page of rent income. The first entry there says,
25 "Rent on tractors."

1 A Yes.

2 Q And I think you said the other day, "County road."
3 I think -- is that county road or wide?

4 A Countywide.

5 Q "Countywide." And it says, "Ramiro Carrillo and
6 Brothers."

7 A Yes, sir.

8 Q First of all, can you explain what that notation
9 in total would mean? What does that mean?

10 MR. MITCHELL: Excuse me. May I approach
11 the bench, Your Honor, and get one of the
12 tax returns. The lady needs a Social Security
13 number. I am sorry to interrupt, Judge
14 Meyers. I am sorry.

15
16 (Whereupon, an off-the-record
17 discussion was had.)

18
19 THE MASTER: Back on the record,
20 Mr. Owen.

21 Q (By Mr. Odam) If I could --

22 MR. MITCHELL: I am sorry about that
23 interruption, Judge Meyers, but the lady
24 needed the Social Security form.

25 THE MASTER: Yes.

1 Q (By Mr. Odam) The first entry there, "Rent on
2 tractor, countywide, Ramiro Carrillo and Brothers."

3 A Yes.

4 Q Could you explain to me what that particular
5 notation means?

6 A Well, I think the one that prepared it should be
7 the person who explains it.

8 MR. MITCHELL: Well, that was my
9 observation, but I might instruct my client
10 that he didn't have anything to do with
11 preparing of this document, Judge.

12 THE WITNESS: Yes.

13 Q (By Mr. Odam) So, I take it that your answer
14 would be that you don't know, but whoever prepared
15 it would know?

16 MR. MITCHELL: In fact, we would like
17 to know who it is and perhaps we can subpoena
18 him and find the source of his information.
19 If Mr. Odam cares to reveal who prepared it.

20 THE WITNESS: I don't have the slightest
21 idea.

22 THE MASTER: Well, you can stand and make
23 a request, Counsel, but you, of course, can't
24 start questioning your own witness while
25 Mr. Odam has him on cross-examination.

1 MR. MITCHELL: I didn't intend to do
2 that. I was making a request of that name
3 and perhaps we can --

4 THE MASTER: That may take up after
5 recess.

6 MR. MITCHELL: Thank you.

7 Q (By Mr. Odam) Well, you're familiar with whatever
8 is down here as Ramiro Carrillo and Brothers?

9 A I can read.

10 Q And Ramiro Carrillo and Brothers -- is Ramiro
11 Carrillo your brother?

12 A Yes.

13 Q And I take it that there must be some other
14 brothers, Ramiro Carrillo and Brothers. You're
15 one.

16 A Ramiro Carrillo and Brothers is a trust involving
17 we are six children plus some grandchildren; that
18 is the trust and sort of a partnership that was
19 set up by my father and my mother for the benefit
20 of the children and grandchildren.

21 Q And what is the name of your father? As the record
22 speaks to it, would this be D. C. Chapa?

23 A David Carrillo Chapa. It's an old Spanish custom
24 to have the mother's last name, and you will find
25 it all in this area. So, it's very confusing.

1 Q I see.

2 A I realize that. I thought I had explained that.

3 Q In the straight family tree, he is your father
4 and that was a question I had --

5 A My grandfather on my father's side was a Carrillo
6 and my grandmother on my father's side was a Chapa.

7 Q I see.

8 A And that was the --

9 Q The trust was set up for the six children and some
10 grandchildren?

11 A There are six of us children born out of the
12 marriage of my father and my mother, plus several
13 grandchildren. There are twenty-seven now, but
14 there weren't at the time the trust was created.

15 Q Would Rogelio Guajardo be one of those children?

16 A Yes.

17 Q Is Paul Ramirez one of the children?

18 A Who?

19 Q Paul Ramirez?

20 A We don't have any Paul Ramirez in the family that
21 I know of.

22 Q Is there a David Carrillo?

23 A Yes.

24 Q And whose son is he?

25 A Oscar, my brother. There are two Davids. There

1 is David Carrillo and David Carrillo, Jr.

2 Q David Carrillo is Oscar's son?

3 A Oscar's son.

4 Q This is Senator Carrillo or former Senator Carrillo?

5 A Former.

6 Q Now, is there a David H. Carrillo?

7 A David Carrillo and David H. Carrillo is one and
8 the same

9 Q Okay. You said there was a David Carrillo, Jr.

10 A David H. Carrillo, the son, David Carrillo.

11 Q And how old is that son, the last one, the Junior?

12 A The last one?

13 Q Yes.

14 A I would say eight or ten years old.

15 Q Would he be D. C. Chapa's great-grandchild?

16 A Great-grandson.

17 Q Great-grandson.

18 Now, Ramiro Carrillo and Brothers is a trust.

19 Well, the six children -- you're a participant
20 in the trust or how is that set up?

21 A It was divided into six shares of the estate of
22 my father which my father and my mother owned,
23 and each one of the children got one. For example,
24 I have a full share, and my brother, Oscar, for
25 example, would be entitled to another share,

1 except that his might have been divided into --
2 he got some and his children got some and so
3 forth. That is the way it went.

4 Q I see. So, whatever this entry means, "Rent on
5 tractor-countywide-Ramiro Carrillo and Brothers,"
6 would you have gotten -- would you as part of the
7 trust have rented, if that is what that means,
8 rent on the tractor? Your trust would have rented
9 this to Benavides Implement and Hardware.

10 A All right. Now, insofar as that trust is concerned,
11 I have nothing whatsoever with the -- as a matter
12 of fact, it's carried on the tax returns -- on the
13 tax books as O. P. Carrillo and Brothers. Actually,
14 it's set up as Ramiro Carrillo and Brothers.

15 Q I see. Well, who administers --

16 A As distinguished from O. P. Carrillo, trustee,
17 because I was named by my father as trustee for
18 several of the grandchildren, to watch for their
19 interests.

20 Q Well, who had -- well, assume for the moment
21 where it states "Rent on tractor-countywide-
22 Ramiro Carrillo and Brothers."

23 A Yes.

24 Q Assuming that that was a rental of a tractor from
25 Ramiro Carrillo and Brothers, who would be -- if

1 not you, who would it be that Mr. Couling would
2 have dealt with in dealing with Ramiro Carrillo
3 and Brothers?

4 A It would have been from Ramiro Carrillo because he
5 sort of -- that particular interest in the estate.

6 Q I see.

7 A And received the checks and is it one that is
8 authorized to write checks on Ramiro Carrillo and
9 Brothers account that is worked in at the end of
10 the year, taken over to the auditors. That is why
11 he stated that he has to fix, for example, my
12 income tax --

13 Q Oh, that's right.

14 A -- because he would have to receive the income
15 from the various trusts and partnerships.

16 Q I remember that.

17 Well, Mr. Kirkland has testified when we went
18 through the tax returns where that trust is picked
19 up and part of the income, however Ramiro Carrillo
20 and Brothers gets it, he figures out how you get
21 some and Oscar gets some and Ramiro --

22 A He has a formula and he tells me again, you're
23 entitled to this and that is it.

24 Q How about the corpus of the trust, how is it
25 handled or what is the -- what is the trust? What

1 is the --

2 A Well, the trust involves approximately twelve or
3 thirteen thousand acres, farmland, approximately
4 a thousand head of cattle, oil royalties, oil
5 leases, hunting leases, and I don't know what
6 else. I know that part is included in there,
7 equipment that is owned, horses.

8 Q Is there equipment that is owned --

9 A Trucks, cattle -- I mean trailers, tractors,
10 because it's farmland and grazing land.

11 Q These trucks and trailers and tractors, well,
12 tractors, for example, your trust -- or the one --
13 and I use the term your very broadly. The trust,
14 and by that I am referring to the benefit of the
15 record in questions to you, Ramiro Carrillo and
16 Brothers; the trust would rent a truck, for
17 example, to Mr. Couling.

18 A I don't have anything to do with that at all, with
19 the operation of that trust.

20 Q Well, assuming that, for example, here the rents
21 on tractor, if it were rented and if it were rented
22 by Ramiro Carrillo and Brothers, that ultimately
23 Mr. Kirkland -- if this were all reported back,
24 Mr. Kirkland would pick that up as a portion of
25 that -- well, for example, here, the three hundred

1 and seven dollars and five cents, that maybe that
2 you would get one-sixth of that income would be
3 reported on your income tax return?

4 A Yes, sir.

5 Q Well, I probably covered it in my earlier question
6 then. Specifically, do you know anything about
7 your trust renting a particular tractor to
8 Mr. Couling?

9 A No, sir, I do not.

10 Q Now, the second entry there. It says, "Rent on
11 O. P.'s two D-8 dozers."

12 A Yes.

13 Q Could you explain what the particular entry means?

14 A No, sir, I cannot explain it because I didn't write
15 it or furnish the information on it.

16 Q So, you don't know whether or not that means that
17 two dozers were rented to the county or that that
18 particular check went to make payments on the two
19 dozers, is that correct?

20 A I don't know. I have no idea. Like I say, the --
21 perhaps Mr. Couling was the one that furnished
22 that information or somebody else; I don't know.

23 Q Well, let's go down to the next one that you
24 covered the other day, "Second payment on --" what
25 is that word?

1 A "Payment on barbed wire, Farm and Ranch."

2 Q Barbed wire. Would this be -- well, and -- Farm
3 and Ranch. Is this the Farm and Ranch Store that
4 you and your brother own half interest in?

5 A Yes, sir.

6 Q Now, what do you think that entry means?

7 A I can't think what it means. I do know that
8 Farm and Ranch is sort of a distributorship. You
9 see, you get franchises from different companies.
10 Once you get a franchise in an area, that company
11 cannot do business with other stores like, for
12 example, I will use the Air Motor Windmill Company.
13 We have the franchise for Air Motors for the area.
14 So, I know that stores from as far as Hebbronville
15 who have a customer who is insisting on an air
16 motor would have to buy it through us. They would
17 have to come and buy the windmill from Farm and
18 Ranch so they can resell it to their customers
19 because Air Motor will not sell to them. Air
20 Motors will only sell to us in the area and if --

21 Q On this --

22 A On barbed wire, also, it might be coming from
23 another company whose franchise we would have and
24 there are different types of barbed wires, that
25 much I do know. There is foreign barbed wire and

1 American barbed wire. If you have the franchise --
2 I mean one company is going to sell to you when
3 somebody is looking for the American barbed wire,
4 which we do have, and Mr. Couling made the
5 statement that he had sold, I think, twelve thousand
6 dollars worth of barbed wire to the county at one
7 particular sale. He might have been paying on it --
8 I can't speculate. I thought I would explain that
9 because we are -- our store is not -- it's sort of
10 a wholesale store that sells like auto parts. We
11 sell to the different mechanic shops in town and
12 things like that.

13 Q Well, on the second payment on barbed wire, again,
14 the testimony was, and up until this point, of
15 course, we have to rely on what you stated the
16 analysis to be. Would you agree that probably
17 Farm and Ranch did not rent barbed wire to the
18 county, but if it did, it sold barbed wire?

19 A No, you don't rent barbed wire. When it's gone,
20 it's gone.

21 Q All right. And that was my point, that perhaps
22 this list reflects things other than simply rent
23 income. Would you agree with that?

24 A Oh, I am sure of that because I don't think
25 anybody rented Felipe Valerio and he is listed

1 there.

2 Q That was my next question. That's the way you
3 identified it here.

4 "Now, the reason I pointed that up, and that
5 was on Page R-91, this is a detailed analysis
6 containing R-91 of the rent income, am I correct,
7 Judge Carrillo," and your answer was yes, sir.

8 Isn't it true that this is not a detailed
9 analysis of rent income; that there are things
10 on here that we don't even know what they are for?
11 They might be for rent income and they might not
12 be for rent income.

13 MR. MITCHELL: Excuse me. The question
14 is argumentative. I asked the question and
15 maybe I can state that what items were
16 obviously rental income, that it purports to
17 be, and as far as the Examiner furnished it
18 through the Attorney General's office, a
19 detailed analysis, but, of course, not to the
20 contrary; that it was exclusively rental
21 income.

22 THE MASTER: That is a point counsel is
23 making and he is entitled to make it. Your
24 objection is overruled.

25 THE WITNESS: Go ahead.

1 Q We spent a great deal of time on this page and
2 on this next page and the next.

3 A Yes, sir.

4 Q And at that time a serious question arose as to
5 whether or not there was a great deal of rental
6 to the county. We reached this and the record
7 says -- would you agree with me some of it may
8 be rent, and we are not to this point of whether
9 things were rented to the county, but would you
10 agree, unless it specifically says rental, we
11 could exclude those as not being rent, unless you
12 could shed some light on it.

13 A I can't shed light on this instrument. About
14 everything on here, except the barbed wire, seems
15 to be some sort of rental.

16 Q Let's look at the one on 3-12-73, Ramiro Carrillo
17 and Brothers. There are a number of them?

18 A Yes.

19 Q This is claim D-776, and that was a check for
20 three hundred thirty-two dollars.

21 What do you think that means where it says
22 Ramiro Carrillo and Brothers?

23 MR. MITCHELL: That calls for specula-
24 tion.

25 THE MASTER: If the witness has a personal

1 knowledge, he may answer the question.

2 THE WITNESS: I have no personal knowl-
3 edge.

4 Q I don't want you to speculate.

5 You stated, however, you had income from
6 Ramiro Carrillo and Brothers?

7 A Yes, I told you caliche and also I think they call
8 it fire rock. It is a topping for highways. It
9 is not found everywhere and we happen to have one
10 of those pits, which is quite -- it brings in more
11 money than oil.

12 Q Okay. Let's start -- back up, I skipped over some.

13 The second payment on barbed wire that --
14 skip the rent on the two dozers.

15 Felipe Valero, who is he?

16 A He was married to my sister.

17 Q So he is your brother-in-law.

18 A Yes.

19 Q And, again, do you have any personal knowledge
20 as to that notation?

21 A No, I do not.

22 Q Where it says countywide, Ramiro Carrillo and
23 Brothers, what is that for? Is that a sale or
24 rental?

25 A On all of these items here, I would have to

1 speculate. I would have to guess or speculate,
2 because I have no knowledge whatsoever as to how
3 this information got here. I was surprised to
4 find it, but I have no knowledge of it.

5 Q And it says Farm and Ranch Store?

6 A Yes.

7 Q The same thing, you don't know what the notation
8 of that is, that you own a half interest in?

9 A I own a half interest in the store, but I don't
10 run it at all or don't know what is going on.

11 Q And again, I might come on something we could
12 shed light on, so where it says Caterpillar D-8,
13 do you know anything about that?

14 A No.

15 Q Were you aware a Caterpillar was bought at Plains
16 Machinery by the county through Benavides Imple-
17 ment and Hardware?

18 A No, that is the first time I ever heard of that
19 in my life.

20 Q All right.

21 THE MASTER: Is this a proper time for
22 a break?

23 MR. ODAM: If I could just ask one
24 further question, Your Honor.

25 THE MASTER: Yes, that is fine. Go ahead.

1 I thought perhaps you were looking for
2 something else to do into.

3 Q Now, I show you, and this is not in evidence, and
4 it is to refresh your recollection, but it is a
5 yellow card for notes receivable?

6 A Yes.

7 Q And the name is for Precinct 3?

8 A Yes.

9 Q And does that refresh your memory as to a
10 Caterpillar that belonged to the county, purchased
11 from Plains Machinery?

12 A I have not the slightest idea what this is.

13 MR. ODAM: I correct what I said a
14 while ago, it was simply a notes receivable
15 card, as the card indicates, and we don't
16 offer it in evidence. It doesn't say any-
17 thing about Benavides Implement and Hard-
18 ware, so I will correct that.

19 Q It doesn't say anything about Benavides Implement
20 and Hardware, does it, Judge Carrillo?

21 A No, sir, I don't see it.

22 MR. MITCHELL: May I see it, please.

23 MR. ODAM: Yes, you may.

24 Your Honor, I think this would be an
25 appropriate time for a break.

1 MR. MITCHELL: Is this a purchase of a
2 machine by Mr. Couling from Plains for Duval
3 County and if so, I must pursue it.

4 THE MASTER: You may ask Counsel, as a
5 matter of courtesy, but I prefer that you
6 do that on your own time.

7 MR. MITCHELL: All right, Judge.

8 THE MASTER: You can obviously ask Mr.
9 Couling about it.

10 MR. MITCHELL: May I have this marked?

11 THE MASTER: Yes, when it is your time.
12 Anything that is handed to the witness, oppos-
13 ing counsel is permitted to see.

14 MR. MITCHELL: Thank you, Judge.

15 THE MASTER: And you may do whatever you
16 want to with it.

17 Thank you, Mr. Vernon, you are excused.
18 We will now take our break.

19 MR. MITCHELL: Well, one further thing,
20 Your Honor, Mr. Odam does strike from his
21 question Benavides Implement and Hardware?

22 THE MASTER: The witness answered that
23 he saw no reference on the card to Benavides
24 Implement and Hardware.

25 MR. MITCHELL: All right.

1 THE MASTER: We will take break.

2
3 (A short recess was taken.)

4 THE MASTER: On the record.

5 Mr. Odam, the question Mr. Mitchell
6 addressed to me outside, that I thought ought
7 not to be in your absence, was about the
8 subpoena to Mrs. Gibson, who is the custodian
9 of the income tax returns in Austin: the
10 desire being to get a 71 return of Mr.
11 Couling.

12 Mr. Mitchell was suggesting to me that
13 I request the officer to drive to Austin
14 and personally serve Mrs. Gibson so she could
15 prepare and certify to Mr. Couling's 1971
16 return, not that she would have to be here
17 personally, because with her certificate it
18 would be admissible. I am reluctant to make
19 that request of the officer and I guess my
20 question to you is, do you have any sugges-
21 tion, preferences or what?

22 Now, you would not agree to the taking
23 of her deposition, and that is immaterial
24 to me, and I think probably unnecessary. No
25 such agreement is necessary, perhaps, but

1 I think the way this hearing has gone, Counsel
2 is entitled to that return, because Mr.
3 Couling has testified to a number of things
4 and it is certainly possible the 71 income
5 tax return will be inconsistent with that
6 testimony.

7 I suspect we will be here as late as
8 Wednesday.

9 Mr. Mitchell, what is wrong with putting
10 it on a bus or having Mr. Pinkin or the
11 D.P.S. man up there to serve it. I don't
12 know, you have been using the bus, tell me.

13 MR. MITCHELL: Judge Meyers, there is
14 nothing wrong with it, except the lady is
15 not going to honor an informal request. She
16 needs to be served.

17 THE MASTER: I say have Mr. Maurice
18 Pinkin or the D.P.S. deliver it to her.

19 MR. MITCHELL: Well, Your Honor, I
20 know when they want to get these originals,
21 they get on the airplane and get them and
22 I am not fussing about that, I am glad to
23 see that the Attorney General has all the
24 help he can get.

25 MR. ODAM: Ms. Levatino did not go up

1 there and get that for the benefit of
2 clarification. It came down on the Conti-
3 nental bus, I believe, or commercial airline.

4 THE MASTER: Your suggestion is, Mr.
5 Mitchell, that the officer could go up
6 there and wait on her to produce it?

7 MR. MITCHELL: He could, by the relay
8 system, do that, Your Honor.

9 THE MASTER: He didn't seem to know
10 what we were talking about when we were talk-
11 ing about a relay system, at least as I
12 understand it. He said he could go there
13 himself. We can get him in and ask him, I
14 suppose.

15 When do you want it, except right now,
16 I suppose.

17 MR. MITCHELL: Well, when Mr. Couling
18 gets here.

19 THE MASTER: Yes, you would have to have
20 it for your examination of Mr. Couling.

21 MR. MITCHELL: Yes, Judge.

22 THE MASTER: I can see that, but that
23 won't start until sometime tomorrow, as I
24 see it.

25 MR. MITCHELL: That is correct, Judge.

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THE MASTER: Have you talked to this lady?

MR. MITCHELL: No, I have not, Mr. Cutwright has, Mr. Cutwright has talked to Mrs. Gibson.

MR. CUTWRIGHT: She said she would have to get those from the files in Ft. Worth and she said she could have it in the Austin office by tomorrow. She said before she did anything, she would need a subpoena in hand.

THE MASTER: Who besides me can issue subpoenas? Can Mr. Pipkin sign a subpoena?

MR. MITCHELL: I don't think he is recognized.

THE MASTER: My obvious thought was to phone Austin and have someone authorized to issue a subpoena up there, issue it and get it served.

MR. MITCHELL: I don't know of anyone. Does the Commission have that authority?

MR. ODAM: I think the chairman of the Commission might be, but we ran into this question. I think Mr. Pipkin does not have the authority.

1 MR. MITCHELL: I agree with you, John,
2 I think the executive secretary does it.

3 THE MASTER: Is there any member of the
4 Commission living in Austin?

5 MR. ODAM: Yes, sir, Mr. Robert McGinnis.

6 MR. MITCHELL: Is Bob a secretary or a
7 member?

8 MR. ODAM: Member.

9 THE MASTER: Well, Mr. Mitchell, he
10 would, of course, be at lunch right now.
11 My suggestion is we proceed with the examina-
12 tion of Judge Carrillo and you and I will
13 get with Mr. Odam and all three of us use
14 the telephone to get in touch with Mr.
15 McGinnis and see if he would sign a subpoena
16 and request -- well, any peace officer to
17 serve it, the sheriff or any D.P.S. officer.

18 MR. MITCHELL: Yes, that is fine, Judge.

19 THE MASTER: I think we can get it to
20 her today, I think if I talk to Bob McGinnis
21 that he will do that for us.

22 Mr. Cutwright, would you get the officer
23 in a minute?

24 MR. CUTWRIGHT: Yes, sir.

25 THE MASTER: Officer, what we are going

1 to do is not impose on you, if we don't have
2 to. I am going to call a member of the
3 Judicial Qualifications Commission that
4 lives in Austin and ask him to sign a sub-
5 poena. The rules provide that I, as Master,
6 or any member of the Commission can sign a
7 subpoena. I guess they can get a form from
8 Maurice Pipkin's office.

9 MR. ODAM: Yes, sir, I am sure they
10 would have a form.

11 THE MASTER: I imagine Mr. Pipkin would
12 or could do that.

13 MR. ODAM: Yes, I am sure he would.

14 THE MASTER: Were you brought over
15 especially, Officer?

16 D.P.S. OFFICER: Well, the officer out
17 here works for me and is assigned here.

18 THE MASTER: All right, sir, he called
19 you, I suppose?

20 D.P.S. OFFICER: Yes, sir.

21 THE MASTER: Tell Officer Castillo we
22 are hopeful we can handle it.

23 D.P.S. OFFICER: That is fine, thank
24 you.

25 THE MASTER: It seems to me it is a

1 waste of a patrolman's time to go all of
2 the way to Austin for this when I may be
3 able to handle it.

4 The D.P.S. has been helpful and courteous
5 to us in this hearing.

6 D.P.S. OFFICER: Thank you, sir.

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

8 Q (By Mr. Odam:) Judge Carrillo, right prior to
9 the break, I was in the process of clarifying for
10 my own mind and for the benefit of the record the
11 answer to the question at 3642, that is that this
12 page is a detailed analysis of the rent income.
13 We have gone through some of them and if you have
14 R-91, I would like to refer to page 6.

15 A Yes, sir.



1 Q This is one I think I had gotten to, and I skipped
2 back up to the top and I refer back to it now.
3 It's on March the 12th, 1973 for three hundred and
4 thirty-two dollars.

5 Do you have any personal knowledge of the
6 trust to Ramiro Carrillo and Brothers; what was
7 that about?

8 A No.

9 Q And who would this be that could clarify that?

10 A Ramiro.

11 Q Ramiro Carrillo --

12 MR. MITCHELL: Pardon me. Clarify that,
13 you mean, the entry, Counsel? May I address
14 the counsel, Judge, as to the substance --

15 THE WITNESS: No, anything that has to
16 do with Ramiro Carrillo and Brothers, Ramiro
17 will explain. What is on here --

18 Q (By Mr. Odam) Right. I am referring to the first
19 part of the sentence, what Ramiro Carrillo could
20 explain on this --

21 MR. MITCHELL: It's understood that
22 Ramiro Carrillo didn't have anything to do
23 with this.

24 THE MASTER: Certainly, this has been
25 identified as a document prepared --

1 MR. MITCHELL: By the Attorney General?

2 THE MASTER: I was going to say by the
3 Attorney General or someone under his
4 direction.

5 MR. MITCHELL: Right.

6 THE MASTER: But not by Judge Carrillo
7 or his brother, Ramiro, or anybody else
8 connected with that family.

9 MR. MITCHELL: That's correct, Your
10 Honor. Thank you, Your Honor. That is a
11 good statement of the facts.

12 Q (By Mr. Odam) So, where it says Farm and Ranch
13 Store and down here where it says Ramiro Carrillo
14 and Brothers, you would agree that might be for
15 rent or that might be for a sale, or we don't
16 know exactly what it means there.

17 A I don't have the slightest idea what it means.

18 Q Okay. And the second charge on barbed wire, we
19 agree you don't rent barbed wire. That might be
20 a sale for barbed wire. Countywide, Ramiro
21 Carrillo and Brothers, the same thing there, you
22 don't know what that means?

23 A No, I don't.

24 Q How about down where it says, "Rent on winch
25 truck (Ramiro's Cat at Freer)." You know anything

1 about Ramiro Carrillo having a Caterpillar at
2 Freer?

3 A No, I don't.

4 Q And I would take it that if I went through the rest
5 of this sheet, everywhere where it says countywide,
6 you could shed no light on what that transaction
7 would be about?

8 A I can't shed any light on any of this matters.

9 Q And skipping over to the next page, we have some
10 rents, some more second payment for barbed wire.

11 A I don't know anything about any of that or what it
12 means.

13 Q And the next page, Felipe Valerio.

14 A Valerio.

15 Q His name appears again. Ramiro Carrillo and
16 Brothers name appears numerous times. Farm and
17 Ranch appears. What about this one down here,
18 5-20-74, "Steel plates for Ramiro to build a
19 trailer."

20 A I don't know.

21 Q How about this last one, 8-14-74, where it just
22 says, "Ramiro Carrillo." That is for nine hundred
23 and forty-two dollars and fifty-five cents.

24 A I don't know anything about it.

25 Q Well, will you agree with me that contrary to the

1 statement the other day, that this was an analysis
2 of R-91, that it was not clear exactly what all
3 these notations mean? They might be for rent,
4 where it says rent, and they might not be for
5 rents; that it does not speak for itself nor does
6 it explain what it's for?

7 A Only the individual who prepared this instrument
8 can explain this instrument to you. I cannot.

9 Q Well, let me rephrase Mr. Mitchell's question to
10 you or restate. The reason I point that up. That
11 is on Page 91. This is a detailed analysis
12 containing R-91 of the rent income, am I correct,
13 Judge Carrillo?

14 Now, what would your answer be to that? What
15 do you think that these pages R-91 are?

16 A I was advised and I made the statement last week
17 and I am not trying to be funny, either, that my
18 attorney advised me not to guess at anything
19 because he was going to walk out if I started to
20 guess.

21 Q Well --

22 A I am not going to guess.

23 Q Wasn't it a fact that you were guessing when you
24 made that answer when Mr. Mitchell asked you the
25 question, is this a detailed analysis contained

1 in R-91 and you answered that. You guessed
2 then?

3 A No, what I was stating then -- I stated that it
4 shows rents on here, repeatedly.

5 Q But --

6 A And whoever prepared it was stating that it was
7 rent.

8 Q Some of them are rents and some of them are not;
9 is that a fair --

10 A With very few exceptions, they are rents.

11 Q Well, would you like to go through and see how
12 many are made out to Ramiro Carrillo and Brothers
13 and how many to Ramiro Carrillo?

14 A I will reply with whatever questions you ask.

15 Q You think that very few of them are other than
16 rent?

17 A Again, like I say, the instrument is here. I will
18 be happy --

19 Q It speaks for itself and we won't go through and
20 count out the number of dollars that go to
21 Ramiro Carrillo and Brothers or the number of
22 dollars that go to Ramiro Carrillo or the number
23 of dollars that go for the dozers; the record
24 can speak for itself and those can be added up.

25 I refer to Page 3643 and read the question

1 that appears at the bottom of the page, sir.

2 MR. MITCHELL: Mr. Odam, would you mind
3 telling me, please, sir, is that my question
4 of this witness?

5 MR. ODAM: I was getting ready to say.
6 The bottom of the page and that is a question
7 by Mr. Mitchell that begins at Line 23.

8 THE MASTER: Page number again?

9 MR. ODAM: 3643, question by Mr. Mitchell
10 on last Friday.

11 Q Could you read that?

12 A All right.

13 "The rents on, that is your individual
14 property, and Ramiro's individual property, read
15 them there as I go along and see if you can find
16 some individual property.

17 Answer: Rents on tractors, county roads,
18 Ramiro Carrillo and Brothers."

19 Q Well, was it intended by your testimony then that
20 you believe that Ramiro Carrillo and Brothers
21 rented equipment to Benavides Implement and
22 Hardware, and it in turn would rent it to the
23 county?

24 A It's very hard for me to explain an answer when we
25 have a series of things -- I don't know what I

1 might have testified before, what led me to answer
2 this particular way. All I can do is read what
3 the answer states.

4 Q Well, let's look back at the question again. Let
5 me see if we can state the question to you today.

6 "The rents on, that is your individual property,
7 and Ramiro's individual property, do you believe,
8 for example, that what is stated on here is where
9 Ramiro Carrillo rented the individual property to
10 Benavides Implement and Hardware?"

11 A Well, evidently I was reading something there. I
12 would like to see what it was that I was reading.

13 Q It was that page from R-91. I believe it's the
14 sixth page.

15 A It seems to me that Ramiro Carrillo and Brothers
16 was renting something.

17 Q But you don't know that of your own personal
18 knowledge if it was or not?

19 A No, sir, I don't.

20 Q Do you think it seems from this where Ramiro
21 Carrillo's name on here that his individual
22 property is being rented?

23 A I don't know.

24 Q Are there any indications on R-91, on this sixth
25 page and the one thereafter, that Ramiro Carrillo

1 rented any individual property as Mr. Mitchell
2 suggests by that question other than the one I
3 pointed out to you where we have some notations,
4 which, I guess, is really the only one, the last
5 one?

6 A Well, there again, it says Ramiro Carrillo and just
7 like Mr. Valerio, I don't think we rented Ramiro
8 Carrillo out, either. I don't know what they are
9 talking about.

10 Q All right. And the question at 3644, the question
11 at Line 7. "Was rent on Farm and Ranch property,
12 see if there are some entries on there." And the
13 answer: Was the second payment on barbed wire,
14 Farm and Ranch.

15 Would you agree with me that what is reflected
16 there on R-91, that may be for rent. It may be
17 for sales. It's not clear from that if it were
18 rentals. Some of it just says Ramiro Carrillo
19 and Brothers. We don't know what it's for?

20 A I am afraid that the only one that can answer that,
21 Mr. Odam, is the person that prepared this
22 instrument.

23 Q Well, I don't dispute that, but as you can see,
24 from the nature of the testimony last week, that
25 is not the impression that was left. There are

1 very specific statements that you were making in
2 here that appeared to me, at least, that you were
3 saying that you did know what it was for.

4 A Well, as you can see, from that one question, I
5 was reading, and I can read and it says, for
6 example, here is one on Page 75 for three hundred
7 and fifteen dollars and it says, "Rental equipment,
8 Ramiro Carrillo and Brothers." Another entry for
9 two thousand five hundred and twenty-three
10 dollars and sixty-four cents, "Machinery rental,
11 materials, Caterpillar at Freer, second payment on
12 barbed wire."

13 Now, all I can do is read.

14 Q Yes, sir. Well, what personal property would
15 Ramiro Carrillo have individually to rent, if he
16 did have any to rent; do you know?

17 A He has quite a bit of personal property to rent
18 and equipment to rent, but I cannot tell you what
19 he has. As a matter of fact, I almost can't tell
20 you what all I have. It's so much.

21 Q Well, could you read on Page 3648 the question
22 Mr. Mitchell asked you at Line 13 as to the
23 personal property that you had available to rent;
24 Line 13, question and answer.

25 A "Now, your personal equipment that might have been

1 rented, where would it be kept as a usual rule?"

2 Q And the answer.

3 A "There was two or three trucks and what I am trying
4 to think of the names of those tractors. Massey-
5 Ferguson keeps on coming back to me. It was not
6 a Massey-Ferguson. It was a Farm-all, International
7 Harvester or Massey-Ferguson --

8 Q I believe your earlier testimony was, and we went
9 through that. You had ten or fifteen vehicles
10 and we went through that and I am unclear now as
11 to how many you had. Was it two or three or did
12 you have ten or fifteen or how many did you have
13 that Mr. Couling was renting, two or three or all
14 of them?

15 A I don't know what all Mr. Couling was renting
16 because I was not dealing directly with Mr. Couling.
17 I can tell you what I have available. Like I say,
18 I have a fleet that is available.

19 Q Well, I know we went through this earlier, but if
20 you had no dealings with Mr. Couling, who would
21 authorize him or how would he get the key to these
22 vehicles?

23 A They would either come from Cleofus Gonzalez or
24 my brother, Ramiro.

25 Q And you say you told one of them that it was all

1 right for all of this to take place?

2 A Oh, that is what I have them there for. That is
3 part of the business.

4 Q And the question was asked at Page 3659 at Line
5 2. "All right. Now, Judge Carrillo, if you will,
6 take figures in 91, 92 and 93, there is a total
7 volume of business around four hundred thousand
8 dollars."

9 Now, I take it from your testimony we could --
10 and your answer was: "Not quite, but just
11 approximately, which includes the twenty thousand
12 dollars which I paid Benavides Implement and
13 Hardware, which is not reflected here and this is
14 only from governmental institutes --"

15 MR. MITCHELL: Excuse me. Counsel, he
16 does have a copy of that and neither do I
17 and I don't know where you're quoting stopped --
18 Thank you, Judge Meyers. I don't have a copy,
19 so, I need to -- thank you, Judge. I
20 believe you're at line -- this is at 3 --

21 MR. ODAM: 36 --

22 MR. MITCHELL: What was the line,
23 Mr. Odam?

24 MR. ODAM: Line 3, I believe. Judge
25 Carrillo has my copy.

1 MR. MITCHELL: Thank you, Judge.

2 Q (By Mr. Odam) What is the question that
3 Mr. Mitchell asked you there, Judge?

4 A All right.

5 "Now, Judge Carrillo, if you will take the
6 figures in 91, 92 and 93, there is a total volume
7 of business of around four hundred thousand dollars."

8 That is not exact, but it is an estimate.

9 My answer was, "Not quite, but just
10 approximately, which including the twenty thousand
11 dollars that I paid Benavides Implement and
12 Hardware which is not reflected here, and this is
13 only from governmental agencies and myself."

14 That is without the aid of an adding machine.
15 I mean that is not my answer, but I approximated
16 it at approximately four hundred thousand dollars
17 without an adding machine and it turned out to be
18 three hundred and ninety-one thousand dollars,
19 so --

20 Q Well, the first one that you referred to was around
21 four hundred thousand that you did without the
22 adding machine, would that be the same as what is
23 on your R-100 that you were referring to the
24 three hundred and seventy thousand?

25 A Yes, sir. Well, I am referring here, approximately,

1 which including the twenty thousand dollars that
2 I paid, which would be included in that, would be
3 three hundred and ninety-one thousand a hundred
4 and twenty-six dollars and thirty-three cents.

5 Q I see, sir.

6 A Because I included the twenty thousand dollars
7 that I paid with the governmental agency.

8 Q Fine.

9 Okay.

10 MR. MITCHELL: Excuse me, Your Honor.
11 So that the record is abundantly clear,
12 Judge Carrillo is referring to Page 2 on
13 Exhibit R-100, on that total.

14 THE WITNESS: Yes, sir.

15 MR. MITCHELL: And that relates to Line
16 2 through at about 10 on 3649 of the Daily
17 Copy of December 12th, '72.

18 MR. ODAM: That's correct.

19 MR. MITCHELL: Okay. Thank you.

20 THE WITNESS: I think the Judge wanted
21 this.

22 THE MASTER: No, I don't. I just thought
23 Mr. --

24 MR. MITCHELL: If it's all right, I can
25 let him have the Judge's copy and I can look

1 over his shoulder, if that is all right,
2 Judge Meyers, and John, you can question
3 him without --

4 MR. ODAM: If that is all right. If
5 the Master feels that he does not need to
6 have the benefit of the copy.

7 THE MASTER: I think I can follow
8 without having the copy in front of me. It
9 may be better for Mr. Mitchell and Judge
10 Carrillo to have the benefit of it.

1 MR. ODAM: Then I would refer, Judge
2 Meyers and Judge Carrillo, to page 3649,
3 line 14.

4 Q (By Mr. Odam:) If you could, Judge Carrillo, read
5 the question Mr. Mitchell posed to you there.

6 A "In other words, you heard the testimony that Mr.
7 Couling had Benavides Implement and Hardware as
8 a part time operation --"

9 MR. MITCHELL: "Was a part time opera-
10 tion." He misread that.

11 A "Was a part time operation" and the answer is,
12 "Yes, sir."

13 Q To expand, do you recall his testimony that it was
14 open part time until Ramiro Carrillo approached
15 him to do it on a full time operation from 1971
16 on? In other words, it was not part time except
17 before that date, do you recall that?

18 MR. MITCHELL: Argumentative, Judge,
19 the record speaks to what the witness testi-
20 fied to.

21 MR. ODAM: That was the purpose of my
22 question. The record does speak for itself
23 and this particular reference right here,
24 we would submit you heard the testimony that
25 Benavides Implement and Hardware was a part

1 time operation and that was prior to the
2 time Ramiro Carrillo came and saw him. Then
3 he owned up to a full time basis after that.

4 A That was not my understanding with Mr. Couling.

5 THE MASTER: That does answer the ques-
6 tion.

7 Q Refer to the next page. If you could, read the
8 question on line 9 and your answer thereto.

9 A "And if you add all of that up, as Mr. Odam did
10 in some fashion, as regards payment on the bull-
11 dozers, and I came to a total of something like
12 thirty thousand, if that correct?" And the
13 answer was, "Thirty thousand?"

14 Q Was that thirty thousand dollars that you referred
15 to or Mr. Mitchell referred to there? My clarifi-
16 cation today is to what extent does that include
17 the payment you made for those root plows or would
18 you agree that thirty thousand does include pay-
19 ments for root plows?

20 A The payments that I made to Mr. Couling were for
21 the rental on both the bulldozers and the root
22 plows.

23 Q So the question added on, as regards the bulldozers,
24 that the thirty thousand would be not only the
25 bulldozers, but the root plows?

1 A Yes, sir.

2 MR. MITCHELL: Your Honor, may I have
3 the record reflect that the answer on page 3650,
4 line 14, is in the form of a question. It
5 says, "Thirty thousand" and then there is
6 a question mark. I believe in the reading
7 it may have sounded like a declaratory state-
8 ment. He says thirty thousand in a question
9 form.

10 MR. ODAM: All right. Let's go further.
11 What is the next question.

12 A The next question is, "Well, the twenty thousand
13 that you had said?" and the answer is "And the
14 eleven thousand he received from the county."

15 Q Go ahead with the next question and answer.

16 A "That is right, that is thirty-one thousand
17 dollars." And the answer is, "I am talking about
18 business." Then the next question is, "I am
19 talking about checks you received, this seven
20 thousand four hundred seventy-six dollars was
21 all that I -- checks that I received."

22 Q So irrespective of what you testified to, the
23 thirty thousand or the thirty-one thousand, those
24 were payments for the Caterpillars and root plows?

25 A Yes, sir.

1 Q And not as what we may pick up from these answers,
2 which may be questions, but it is for bulldozers
3 and root plows?

4 A Yes, both.

5 Q I refer you to page 3656.

6 Now, the question I refer you to here is
7 at line 4.

8 Would you read this series of questions
9 and answers and let's see if --

10 A "At any rate, it does reflect the I.M.P., which
11 is for Implement, is that correct?" And the
12 answer is, "Yes, sir."

13 Then the next question, "All right." And
14 the answer, "I notice this is as of November of
15 1972 he paid rental to me of nine hundred dollars
16 and he collected approximately" -- well, the
17 answer is, "Approximately six thousand or seven
18 thousand dollars."

19 Q Well, go ahead with that next question and answer.

20 A "He paid you how much rent again?" And the
21 answer is, "Nine thousand dollars."

22 MR. MITCHELL: Excuse me, it was in
23 obvious error and the answer was, if you look
24 over, "I mean nine hundred dollars."

25 Q Well, I see now, and at the time I went through

1 this it was not clear to me and probably by your
2 preparation of R-100, and if I refer you to R-100
3 do you have it?

4 A Yes.

5 Q That the nine thousand you referred to was not
6 from the county, but the total amount as you put
7 here for all three entities, is that correct?

8 A Yes, it shows approximately nine thousand dollars.

9 Q So again --

10 A To be exact, nine thousand nineteen dollars twenty
11 cents.

12 MR. MITCHELL: Does the Court follow
13 on R-100?

14 THE WITNESS: I am reading from line 23,
15 page 1, 11-72. I approximated it at nine
16 thousand.

17 Q I was not clear from reading the record myself.

18 If you refer to the nine thousand from Duval
19 County or all of them, then -- well, we can see
20 all of them are totaled.

21 A Yes, sir.

22 MR. MITCHELL: And it is not nine
23 thousand, it is nine thousand nineteen dollars
24 twenty cents.

25 Q Yes, and I referred to his answer at page 3656.

1 Now, I refer you to page 3657.

2 A Yes, sir.

3 Q Now, we have the benefit of your R-100 also and
4 this might clarify it.

5 A Yes, sir.

6 Q At page 3657, read the question that is at line 9,
7 please.

8 A "We will look at the Benavides Water District and
9 see if he didn't collect some money from it for
10 rental of equipment?" And the answer is, "Yes."
11 And the next question is, "There are equipment
12 rentals on it, aren't there, on R-92?" And the
13 answer is, "In November there are approximately
14 fifteen hundred dollars here."

15 Q Now, referring to R-93, it is not clear there
16 what year you are referring to.

17 A November, 1972, and I think we are talking about
18 that year, which was the same one as the total
19 of the nine thousand dollars, and I approximated
20 that at fifteen hundred dollars and it shows,
21 with reference to Exhibit R-100, that it was
22 eight thousand one hundred ninety-two dollars
23 forty-four cents.

24 Q Now, looking at the equipment rentals, there are
25 those on it, too, aren't there, and your answer

1 was approximately fifteen hundred dollars.

2 How do you know what that money on R-93 was
3 for, is that sales to the water district or
4 the rentals or if they rented anything, what was
5 it rented according to R-93?

6 A According to R-93, in November, it shows invoices
7 584, 354, 451, 1498 on 11-13-72 and materials,
8 supplies and equipment rental.

9 11-13-72, invoice number 1435, equipment
10 rental, Bensvides Implement and Hardware.

11 Q So I take it the first entries on page 3, those
12 may be separately for equipment rentals, apparently
13 for materials and supplies and the one on the
14 bottom of the page, invoices, we don't know what
15 those are?

16 A No.

17 Q Would you agree, like on R-91, that the water
18 district, the work-up sheet, R-93, is not necessarily
19 a total accumulation of the total equipment
20 rented to the water district, only that?

21 A I can't tell you. That is all it shows. There
22 might be some more, I don't know.

23 Q Well, you take R-93, the first entry for five
24 hundred ninety-four dollars.

25 MR. MITCHELL: Do you see where he is

1 talking about?

2 THE WITNESS: No, sir.

3 Q The first page of R-93.

4 A The first page of R-93?

5 Q Yes, sir.

6 A All right. The year 1971?

7 Q Yes, sir.

8 How much is that amount for?

9 A Which line?

10 Q The first entry.

11 A Five hundred ninety-four dollars ninetyfive cents.

12 Q What was that for?

13 A Supplies and material and something else Benavides.

14 Q It looks like W.S./Systems.

15 A That may be.

16 Q That is water sprinklers systems.

17 A Well, I am not going to speculate.

18 Q Invoice number 10?

19 A Yes, sir.

20 Q Do you know whether or not that was equipment
21 rental?

22 A No, sir, I do not.

23 Q Invoice number 49, do you know whether that was
24 equipment rental?

25 A I don't know.

1 Q Let's go through and take the seven hundred and
2 fifty dollar entries, one on June 15, 1971.

3 A June, 1971?

4 Q June 15, 1971, for seven hundred fifty dollars.

5 A Yes, sir.

6 Q And what was that for?

7 A Materials, Benavides.

8 Q Let's take the seven hundred and fifty dollars
9 and skip down and when you get to a seven hundred
10 fifty dollar payment, tell me what that is for.

11 A I can tell you what it says here.

12 Q That is what I mean.

13 A Seven hundred fifty dollars on --

14 MR. MITCHELL: Excuse me, I am reluctant --
15 it is conceded that Judge Carrillo has no
16 personal knowledge of R-93. I don't think
17 he can add anything except to reading from
18 it.

19 I have no objection as to what it says,
20 but I wonder if we are gaining anything from
21 this.

22 MR. ODAM: May I comment?

23 THE MASTER: Yes, sir.

24 MR. ODAM: Your Honor, the record the
25 other day, and because of the record that

1 was developed, and it speaks for itself,
2 the inference the Court drew from the equip-
3 ment rentals, and as I say, and I didn't
4 object at that time, I let him go ahead and
5 lay it out, and didn't object to it on cross-
6 examination. As the Court knows, from listen-
7 ing to it, the impression was that he had
8 here over three hundred thousand in equipment
9 rental.

10 MR. MITCHELL: I am sorry, I didn't
11 intend to leave that inference. The testi-
12 mony was in this posture.

13 Counsel for the Examiner has produced
14 by Mr. Couling that there was no equipment
15 rental. There was no business known as a
16 viable business and known as Benavides Imple-
17 ment and Hardware. It was a child of a
18 conspiracy. I was simply calling to the
19 attention of the Court that there was two
20 pieces of evidence that were contradictory.

21 THE MASTER: I thought I stated on Friday
22 that I stated into the record what I under-
23 stand to be the relevancy of your examination
24 of Judge Carrillo with respect to 90, 91, 9'
25 and 93.

1 MR. MITCHELL: Right.

2 THE MASTER: And you agreed that was the
3 thrust and part of the thrust of it was just
4 what you said, that while it might not all be
5 equipment rental, there was a great deal of
6 money that represented equipment rental and,
7 of course, you can look on those Exhibits,
8 and there are many entries saying rent.

9 MR. MITCHELL: Yes, sir.

10 THE MASTER: I do encourage both sides
11 to try not to just routinely read Exhibits
12 that I and the Commission and the Supreme
13 Court can read as well, into the record.

14 If Counsel believes there has been an
15 inference left that he needs to correct, I
16 am going to let him correct it, so the objec-
17 tion is overruled.

18 MR. MITCHELL: I would like to request
19 that I have a copy of the daily copy of Mr.
20 Coulings' testimony on the point where
21 I had him on cross-examination. When I do
22 call him back, now, it is a different ball-
23 game and the record indicates there is
24 rental equipment.

25 THE MASTER: You identify today what

1 you want and if I have it I will make it
2 available to you and if Counsel has it, he
3 will make it available to you. I don't have
4 any of last week, because I went to Austin
5 th's weekend and delivered it to my office,
6 the originals, so my secretary could deliver
7 that to the Judicial Qualifications Commis-
8 sion.

9 Mr. Odam has indicated he will make
10 copies of daily copy available to me as well.

11 MR. MITCHELL: Yes, the record should
12 reflect that I have not had it and I have
13 not been, up to this point, discommoded, but
14 I am now, because if I put Couling back on
15 the stand, he is going to have to answer those
16 questions.

17 THE MASTER: We are going to meet here
18 this afternoon, or Mr. Odam's motel room or
19 mine or yours so that we may jointly call
20 Bob McGinnis. If at that time you can put
21 your finger on the day that you want, then
22 I will get you either through Mr. Odam or
23 through my own copies whatever you want, just
24 tell me.

25 MR. MITCHELL: It would be that testimony

1 and I will pinpoint it. I will request it
2 later pursuant to the instructions of the
3 Court.

4 MR. ODAM: If I might, Your Honor,
5 without being repetitious, as I say the
6 state of the record is that the inference
7 was left that all of this income was rental
8 income.

9 THE MASTER: And you are now showing
10 there was some that was not and you are
11 entitled to do that.

12 MR. MITCHELL: We have not taken the
13 position in this case as to whether it was
14 or was not. Couling's testimony was that
15 there was no equipment to rent, so we have
16 no position one way or the other.

17 THE MASTER: Well, it is an Exhibit
18 that may be created by someone employed by
19 the Attorney General's office. It means it
20 is your Exhibit.

21 MR. MITCHELL: But the record reflects
22 it was delivered pursuant to a subpoena.

23 THE MASTER: Correct.

24 MR. ODAM: Well, can we then stipulate,
25 Counsel, that in light of Judge Carrillo's

1 testimony, that R-91, 92 and 93, as well as
2 R-100, does not necessarily reflect totally
3 and only income pertaining to rentals?

4 MR. MITCHELL: I would stipulate it
5 does not reflect all of his income, because
6 there is a discrepancy --

7 THE MASTER: That was not the request.
8 The stipulation was, do you agree that
9 R-91, 92 and 93 as well as R-100 reflect
10 income, or rather gross receipts, as opposed
11 to income, taxable income, reflects receipts
12 of revenues that include rental on equipment,
13 but do not reflect just exclusively rental
14 income.

15 MR. MITCHELL: I am not in a position
16 to stipulate that, because I don't know the
17 reflection of it.

18 THE MASTER: That is fine.

19 You may proceed, Mr. Odam.

20 MR. ODAM: It is because of that that
21 I feel it is necessary to develop the record,
22 since the stipulation cannot be done.

23 Let me develop one other point in light
24 of that.

25 Q (By Mr. Odam:) Judge Carrillo, I would like to

1 refer you back to R-91.

2 A Yes, sir.

3 Q There appears to be a number of entries for
4 seven hundred fifty dollars. Now, I would like,
5 first of all, and we will count them off and see
6 how many there are, how many are there and how
7 many indicate they might be equipment rentals?

8 We will start back with the first one.

9 A Do you want me to count them?

10 Q Well, let me, if I might, on April 14th, 1971,
11 we have one. Is that for equipment rental?

12 A In invoice number 10?

13 Q That does not indicate one way or the other?

14 A No, sir.

15 Q The second one?

16 A 5-11-71?

17 Q Yes, sir.

18 A It does not indicate one way or the other,
19 invoice number 49.

20 Q All right, sir. I think in light of the time
21 and where we stand today, I would like to --
22 well, let's go through and see how many seven
23 hundred fifty dollar items there are and when we
24 commence tomorrow, my first question will be
25 how many of those were indicated to be equipment

1 rentals.

2 MR. MITCHELL: This is -- we are going
3 to object. This is Duval County Reclamation
4 and Water District --

5 THE WITNESS: All of which I can tell
6 are not identified other than invoice number 10.

7 MR. MITCHELL: In view of the fact this
8 witness has testified he has no knowledge
9 of the Couling business with Duval County and
10 he can make the extract and we will agree to
11 it, if that is necessary.

12 THE MASTER: Well, it may be that it
13 could be done that way, however, he is only
14 asking him to count.

15 MR. ODAM: Yes, sir, that is right.

16 Q Let's count and see how many there are for seven
17 hundred fifty dollars.

18 THE MASTER: No, let's do that at the
19 recess.

20 MR. ODAM: That is my statement, not
21 count now.

22 Q Judge Carrillo, on my request, number one would
23 be for the seven hundred and fifty dollar items
24 and number two, of those items, how many of them
25 are stated to be equipment rentals. That is my

1 first two questions tomorrow, how many total
2 seven hundred fifty dollar items and how many pur-
3 port to be for equipment rental?

4 A All right.

5 MR. MITCHELL: May we extract R-93 so
6 we can do that?

7 THE MASTER: You don't have a copy of it?

8 MR. MITCHELL: No.

9 MR. ODAM: Your Honor, in light of the
10 testimony of this witness pertaining to the
11 reading back from last Friday and today also
12 and Mr. Couling's testimony of no equipment
13 to rent, and I stand by that, and I differen-
14 tiate between those and income rentals, that
15 I would suggest, as this Court knows, and I
16 would research the law if necessary, but that
17 is to what I would refer to as ^{a View} of you -- I
18 think it would be helpful to the Court if
19 we, in a D.P.S. car or any way as a group,
20 made a view of the scene in Benavides, Texas.

21 We have in question what the Benavides
22 Implement and Hardware looks like and the
23 Farm and Ranch Store looks like. I have
24 never seen it myself. I have in mind a
25 warehouse that has vehicles and next door to

1 the county precinct, and the Farm and Ranch
2 Supply that has vehicles to rent and Benavides
3 Implement and Hardware, he says he doesn't
4 have vehicles, and it leaves a question as
5 to a scene that I think is within the rules
6 of procedure to drive over there and look at.

7 MR. MITCHELL: I will not agree to a
8 jury view under those circumstances, Judge.

9 Am I charged with something wrong there?

10 MR. ODAM: No, the Farm and Ranch Store
11 and Benavides Implement and Hardware only.

12 MR. MITCHELL: I don't see anything about
13 the Farm and Ranch or Benavides Implement
14 and Hardware.

15 MR. ODAM: Testimony has developed about
16 his partnership interest.

17 THE MASTER: I think a view by a
18 Master, as opposed to a view by a jury, may
19 be something I should consider. I am only
20 going to consider it. I will probably want
21 to look at some law, but I think jury views
22 are within a discretion of the Judge in the
23 trial of a case, but there is greater dis-
24 cretion where there is no jury. I don't
25 know that it is necessary, but I will consider

1 it.

2 MR. ODAM: That is all.

3 MR. MITCHELL: For the record, I would
4 not agree to it unless the Commission as a
5 body would be there and there is a statement
6 of relevancy of what Farm and Ranch has to
7 do with the Articles or Specifications and
8 certainly what they have to do on the rele-
9 vant years, 71, 72, 73 and 74.

10 THE MASTER: Judge Carrillo, you have
11 been asked to do several things this after-
12 noon.

13 One is to count, on that Exhibit, how
14 many seven hundred fifty dollar items there
15 are and note which items are for rental, is
16 that right?

17 MR. ODAM: Yes, sir, equipment rentals.

18 THE MASTER: Then you were asked by Ms.
19 Levatino to go through the welfare books that
20 you have an example of, in R-99, is that cor-
21 rect?

22 MR. MITCHELL: Yes, sir, the forty-four
23 units.

24 THE MASTER: And see, insofar as you can,
25 who signed your name or signed on your behalf,

1 those books. It has been identified that
2 Mr. Couling did some and it has been identified
3 that Mr. George Zertuche, Junior, did some
4 and Minerva Casas did some.

5 MR. MITCHELL: Mr. Couling's mistress,
6 she has been identified as.

7 MR. ODAM: You had to get that in there,
8 didn't you?

9 THE WITNESS: I might identify for the
10 record, I didn't authorize her to do so.

11 MS. LEVATINO: I don't want to expand
12 this request, but should Judge Carrillo find
13 some figures, other than the three we have
14 mentioned, that you mark those, would you do
15 that?

16 THE WITNESS: I may state that is going
17 to take quite a while. I am supposed to go
18 over all of these records and see who signed
19 my name or what and check R-93 to find out
20 about the seven hundred fifty dollar invoices
21 and what was the third one?

22 THE MASTER: When you have a seven hun-
23 dred fifty dollar figure, see whether or not
24 there is a notation indicating it was rental.
25 That is all. That is one job really.

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THE WITNESS: Yes.

MS. LEVATINO: I believe I also asked him to check into the time span of the dates of those forty-four Exhibits.

THE MASTER: Yes, you did, you wanted to know how far they went.

MS. LEVATINO: Yes, when they began and ended.

THE WITNESS: All right, sir. I will do my best.

THE MASTER: Well, that is all you can do.

THE WITNESS: Might I suggest something?

THE MASTER: Yes, sir.

THE WITNESS: As opposed to counting them, I might put a mark on one of these and show which ones they are instead of trying to write something down and tomorrow I can show which ones have a mark. I think it would be quicker to go down the line and check them off.

THE MASTER: Fine. That is all right with me.

We need to meet back here and try to get Mr. McGinnis now.

1 MR. MITCHELL: We have a federal court
2 appointment, Judge, this afternoon.

3 We are, during the course of all of this --

4 THE MASTER: Does this need to be on
5 the record?

6 MR. MITCHELL: I think it should be.

7 THE MASTER: Fine.

8 MR. MITCHELL: During the period of time
9 we have had an application for a stay and
10 order entered and, I might add, a very onerous
11 order entered by the judge, which we are
12 trying to comply with at two o'clock as it
13 is set up this afternoon. It depends on
14 whether this man remains at liberty.

15 It is my concern and we have an appoint-
16 ment to present a matter to the clerk of the
17 court between now and two o'clock, is that
18 correct?

19 THE WITNESS: Sometime, yes. I don't
20 know how long we will be there.

21 THE MASTER: The reason I wanted you
22 present, Mr. Mitchell, it was your subpoena
23 and --

24 MR. MITCHELL: Yes.

25 THE MASTER: I can describe it to Mr.

1 McGinnis, if you will just write down what
2 it is.

3 MR. MITCHELL: ~~SAXE~~ think he took it with
4 him, Judge Meyers, the officer that was out
5 here.

6 THE MASTER: Well, could you write out
7 on a piece of paper what you want me to ask
8 Mr. McGinnis.

9 MR. MITCHELL: Yes.

10 THE MASTER: I can do that on my own
11 and I was inviting you only to be here.

12 MR. MITCHELL: I knew that and I was
13 concerned from going into this other matter,
14 but we have been in a continuous --

15 THE MASTER: Do you have the subpoena?

16 MR. MITCHELL: Yes, we do have it.

17 THE MASTER: All right. I will describe
18 it in the exact words for Mr. McGinnis.

19 We will be in recess until tomorrow
20 morning.

21
22 (Whereupon, at 1:05 p.m., December 15,
23 1975, the hearing was in recess until 8:30
24 a.m. December 16, 1975.)

25