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v. 5

64<sup>th</sup> Leg. Senate

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# EXAMINERS' PLEADINGS

PAGES 1 TO 134

C O P Y

00001

August 4, 1975

Honorable Joe R. Greenhill  
Chief Justice  
Supreme Court of Texas  
Supreme Court Building  
Austin, Texas 78711

Dear Justice Greenhill:

The Judicial Qualifications Commission met in Austin, Texas, July 12, 1975, and voted unanimously to conduct a hearing following complaints lodged against Judge O. P. Carrillo, 229th Judicial District Court of Texas, and instructed me to request the Supreme Court of Texas to appoint a Master to conduct the hearing as provided in RULE 6, RULES FOR THE REMOVAL OR RETIREMENT OF JUDGES, Adopted and Promulgated by the Supreme Court of Texas; therefore, please consider this a formal request for the Court to appoint a Master.

Judge O. P. Carrillo has been duly served with notice in compliance with Rule 4, styled: Before the State Judicial Qualifications Commission, Inquiry Concerning a Judge, No. 5, Notice of Formal Proceedings.

It is the desire of the Commission that this hearing be held in Edinburg, Texas, at 10:00 A. M., September 2, 1975.

The Court's early consideration of this request will be greatly appreciated.

Sincerely,

Maurice S. Pipkin  
Executive Director

MSP:ap

E/P



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THE SUPREME COURT OF TEXAS

P. O. BOX 12248      CAPITOL STATION  
AUSTIN, TEXAS 78711

CHIEF JUSTICE  
JOE R. GREENHILL  
JUSTICES  
RUEL C. WALKER  
LILLIE STEAKLEY  
JACK POPE  
THOMAS M. REAVLEY  
BEARS MCGEE  
JAMES G. DENTON  
PRICE DANIEL  
SAM D. JOHNSON

CLERK  
GARSON R. JACKSON  
ADMINISTRATIVE ASST.  
MARGARET B. LEMMOND

August 4, 1975

The Honorable Maurice S. Pipkin  
Executive Director  
Judicial Qualifications Commission  
Austin, Texas 78711

Re: Complaints against Judge O. P. Carrillo

Dear Mr. Pipkin,

Pursuant to the request of the Judicial Qualifications Commission, transmitted to the Supreme Court of Texas in your letter of August 4, 1975, Judge James R. Meyers, Judge of the 126th District Court sitting in Travis County, Texas, is hereby appointed Master.

Sincerely yours,

A handwritten signature in cursive script that reads "Joe R. Greenhill".

Joe R. Greenhill  
Chief Justice

JRG:kh

E/P-2

PS Form 3811, Jan. 1975

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one):

- Show to whom and date delivered..... 15¢
- Show to whom, date, & address of delivery... 35¢
- RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢
- RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Hon. O. P. Carrillo  
Benavides, Texas 78341

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	011617	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE  Addressee  Authorized agent

*V. Carrillo*

4. DATE OF DELIVERY: 8-19-75

5. ADDRESS (Complete only if requested):

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS: *me*

AP-3-A

PS Form 3811, Jan. 1975

PS Form 3811, Jan. 1975

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one):

- Show to whom and date delivered..... 15¢
- Show to whom, date, & address of delivery... 35¢
- RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢
- RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Hon. O. P. Carrillo  
San Diego, Texas 78384

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	011618	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE  Addressee  Authorized agent

*V. Carrillo*

4. DATE OF DELIVERY: Aug 18 1975

5. ADDRESS (Complete only if requested):

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS:

AP-3-B

PS Form 3811, Jan. 1975

No. 011618

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO	POSTMARK OR DATE
Hon. O. P. Carrillo	
STREET AND NO.	
220th Judicial District	
P.O., STATE AND ZIP CODE	
San Diego, Texas 78384	
OPTIONAL SERVICES FOR ADDITIONAL FEES	
RETURN RECEIPT SERVICES	1. Shows to whom and date delivered..... 15¢ With delivery to addressee only..... 65¢
DELIVER TO ADDRESSEE ONLY	2. Shows to whom, date and where delivered... 35¢ With delivery to addressee only..... 85¢
SPECIAL DELIVERY (extra fee required)	50¢

PS Form 3800 Apr. 1971 NO INSURANCE COVERAGE PROVIDED—NOT FOR INTERNATIONAL MAIL (See other side) \* GPO : 1974 O - 551-454

R/P-3-C



No. 011617

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO	POSTMARK OR DATE
Hon. O. P. Carrillo	
STREET AND NO.	
Benavides, Texas 78341	
P.O., STATE AND ZIP CODE	
OPTIONAL SERVICES FOR ADDITIONAL FEES	
RETURN RECEIPT SERVICES	1. Shows to whom and date delivered..... 15¢ With delivery to addressee only..... 65¢
DELIVER TO ADDRESSEE ONLY	2. Shows to whom, date and where delivered... 35¢ With delivery to addressee only..... 85¢
SPECIAL DELIVERY (extra fee required)	50¢

PS Form 3800 Apr. 1971 NO INSURANCE COVERAGE PROVIDED—NOT FOR INTERNATIONAL MAIL (See other side) \* GPO : 1974 O - 551-454



C O P Y

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August 15, 1975

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Honorable O. P. Carrillo  
229th Judicial District Court  
San Diego, Texas 78384

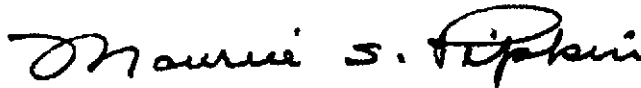
Dear Judge Carrillo:

The State Judicial Qualifications Commission, meeting in Austin on Saturday, August 16, 1975, has set the date for the Formal Hearing in the matter of the charges lodged against you by the Commission for October 2, 1975, in Corpus Christi, Texas.

This notification is pursuant to Rule 6 of the "Rules for the Removal or Retirement of Judges".

You will be informed as to the exact location of the hearing within a short time.

Sincerely,



Maurice S. Pipkin  
Executive Director

CC: Hon. Arthur Mitchell  
Attorney at Law  
1122 Colorado St.  
Austin, Texas 78701

CC: Hon. O. P. Carrillo  
Benavides, Texas 78341

R/P-3-D

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County of  
**TRAVIS**  
STATE OF TEXAS

JAMES R. MEYERS  
DISTRICT JUDGE  
126TH JUDICIAL DISTRICT

COUNTY  
COURTHOUSE  
AUSTIN, TEXAS

October 7, 1975

Mr. Maurice Pipkin  
State Judicial Qualifications Commission  
Supreme Court Building  
Austin, Texas 78701

Mr. Arthur Mitchell  
Attorney at Law  
1122 Colorado  
Austin, Texas 78701

Mr. David Kendall  
Assistant Attorney General  
Capitol Station  
Austin, Texas 78711

Gentlemen:

Re: O.P. Carrillo  
Before the State Judicial  
Qualifications Commission  
Inquiry Concerning a Judge  
No. 5

I have recessed the above styled matter from October 2, 1975, to November 3, 1975. I think it would be helpful if Mr. Mitchell and a representative of the Attorney General's Office and I meet for a pre-hearing conference soon.

Sincerely yours,

JAMES R. MEYERS  
Judge, 126th District Court  
Travis County, Texas

/jl

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RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

No. 011640

SENT TO		POSTMARK OR DATE
Hon. O. P. Carrillo		
STREET AND NO.		
Drawer S		
P.O., STATE AND ZIP CODE		E/P/S
Benavides, Texas 78341		
OPTIONAL SERVICES FOR ADDITIONAL FEES		
RETURN RECEIPT SERVICES	1. Shows to whom and date delivered ..... 15¢ With delivery to addressee only ..... 65¢	
	2. Shows to whom, date and where delivered .. 35¢ With delivery to addressee only ..... 85¢	
DELIVER TO ADDRESSEE ONLY		50¢
SPECIAL DELIVERY (extra fee required)		
PS Form 3800 Apr. 1971		NO INSURANCE COVERAGE PROVIDED—NOT FOR INTERNATIONAL MAIL (See other side) * GPO : 1974 O - 551-454

PS Form 3811, Jan. 1975

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one):

- Show to whom and date delivered..... 15¢
- Show to whom, date, & address of delivery..... 35¢
- RESTRICTED DELIVERY.  
Show to whom and date delivered..... 65¢
- RESTRICTED DELIVERY.  
Show to whom, date; and address of delivery 85¢

2. ARTICLE ADDRESSED TO:  
Hon. O. P. Carrillo  
Drawer S.  
Benavides, Texas 78341

3. ARTICLE DESCRIPTION:  
REGISTERED NO. | CERTIFIED NO. | INSURED NO.  
| 011640 |

(Always obtain signature of addressee or agent)

I have received the article described above.  
SIGNATURE  Addressee  Authorized agent

4. DATE OF DELIVERY  
10-20-75

5. ADDRESS (Complete only if requested)  
Tommy Clyde  
P. Carrillo

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

USPO

1175-O-888-047

U U P Y

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October 28, 1975

Honorable Arthur Mitchell  
Mitchell, George and Belt  
1122 Colorado  
Austin, Texas 78701

Re: Before the State Judicial  
Qualifications Commission,  
Inquiry Concerning a Judge,  
No. 5

Dear Mr. Mitchell:

This is to acknowledge recent receipt of your letter dated October 20, 1975, wherein you "request a hearing before the Commission and/or the Supreme Court for a determination of the questions of law involved in (the) Answer prior to the trial of the case."

Several of the questions raised in the Answer are also raised in some of the pleadings you have filed with the Master on behalf of Judge Carrillo. It appears at this time that the questions of law involved in the Answer would be more appropriately presented to the Master or to the Commission after the Report of the Master is filed with the Commission. As to your request for a hearing before the Supreme Court, an analysis of the Texas Constitution, the appropriate statutes and the Supreme Court Rules for the Removal or Retirement of Judges, does not indicate procedures for such a hearing at this stage of the proceedings.

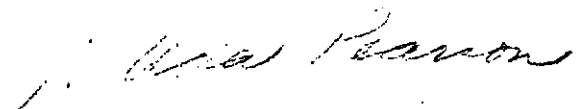
Accordingly, the above referenced request is respectfully denied.

Very truly yours,



Maurice S. Pipkin  
Executive Director

MSP:ap



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BEFORE THE

STATE JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A JUDGE, NO. 5

TRIAL AMENDMENT TO FIRST AMENDED NOTICE OF FORMAL PROCEEDINGS

TO THE HONORABLE O. P. CARRILLO:

Pursuant to the provisions of Rule 11, Rules for the Removal and Retirement of Judges, as adopted and promulgated by the Supreme Court of Texas, you the said O. P. Carrillo, Judge of the 229th Judicial District of Texas, are hereby given notice that Paragraph V of the First Amended Notice of Formal Proceedings is amended to include the following charge which will be numbered Paragraph V-A. Such additional charge is set forth to conform to the proof at trial and the evidence adduced therein:

V-A

During the period from January 1, 1971, until May, 1974, you wrongfully appropriated to your own use and benefit the services of one Cleofas Gonzalez. At all times pertinent hereto, the said Cleofas Gonzalez was an employee of the County of Duval, receiving a salary from the County of Duval, Texas in an amount ranging between two hundred and twenty-five and five hundred dollars per month. During the period in question, the said Cleofas Gonzalez performed labor as general manager and office manager of the Farm & Ranch Supply, a store owned by you and your brother, Ramiro Carrillo, located in Benavides, Duval County, Texas. In return for the labor performed by the said Cleofas Gonzalez, you never paid the said Cleofas Gonzalez

E/P-8

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any money or anything of value as compensation. Instead, the only compensation received by Cleofas Gonzalez for services and labor was the salary he received from Duval County. The labor and services performed by the said Cleofas Gonzalez in your store was a wrongful appropriation by you of the value of such services and labor with the intent permanently to deprive Duval County of such value.

Such conduct was willful and persistent; such conduct was clearly inconsistent with the proper performance of your duties as a District Judge, and was clearly of a nature to cast discredit upon the judiciary.

You are hereby notified and informed that you have a right to file a written answer to the foregoing amended charges and to prepare and present your defense against the matters charged thereby within a reasonable period of time after service of the Trial Amendment To First Amended Notice of Formal Proceedings as determined by the Master pursuant to the provisions of Rule 11, Rules for the Removal or Retirement of Judges adopted and promulgated by the Supreme Court of Texas.

DONE THIS \_\_\_\_\_ day of \_\_\_\_\_, 1975.

STATE JUDICIAL QUALIFICATIONS  
COMMISSION OF THE STATE OF TEXAS.

BY: \_\_\_\_\_  
Maurice S. Pipkin, Exec.-Director,  
Acting for and on behalf of the  
State Judicial Qualifications Comm.  
with full authority from the  
Comm. so to act.

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IN THE MATTER OF  
PROCEEDING OF STATE JUDICIAL  
QUALIFICATIONS COMMISSION NO. 5

IN THE DISTRICT COURT  
OF DUVAL COUNTY, TEXAS  
229th JUDICIAL DISTRICT

DEPOSITION OF CLINTON MANGES

taken on the 22nd day of October, 1975, beginning at  
9:10 a.m. in the County Law Library, Duval County Annex  
Building, San Diego, Texas, before Walter H. Hickman,  
a Notary Public in and for Travis County, Texas, pursuant  
to Order of the 229th Judicial District Court, a copy of  
which is attached hereto, and the following proceedings  
were reported by Hickman Reporting Service, 504 Travis  
Building, Austin, Texas 78701.

*E/P-9*



HICKMAN REPORTING SERVICE

THE QUALITY REPORTERS  
Austin, Texas 476-5363

APPEARANCES

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FOR THE COMMISSION:

MESSRS. JOHN ODAM and MAX FLUSCHE, Assistant  
Attorneys General, Hearing Examiners, Supreme Court  
Building, Austin, Texas 78701

FOR THE RESPONDENT:

MR. JAMES BATES, Bates & Hendrix, 310 South  
Closner Street, Edinburg, Texas 78539

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STIPULATION

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IT IS STIPULATED AND AGREED by and between  
counsel for the respective parties hereto that the  
deposition of the witness, CLINTON MANGES, may be taken  
at this time and place before Walter H. Hickman, a Notary  
Public in and for Travis County, Texas, with the same  
force and effect as if he were a Notary Public in and for  
Duval County, Texas.

MR. CLINTON MANGES

1  
2 was called as a witness by the Commission and, being  
3 first duly sworn, testified as follows:

DIRECT EXAMINATION

4  
5 BY MR. ODAM

6 Q Mr. Manges, as I introduced myself to you earlier  
7 my name is John Odam. I am with the Attorney General's  
8 Office. Mr. Max Flusche is here with me, and we have  
9 been appointed by the Judicial Qualifications Commission  
10 as Examiners in this Judicial Qualifications Proceeding  
11 No. 5.

12 To give you just a little bit of background  
13 about the taking of this deposition, at first we had served  
14 out notices of the deposition, pursuant to the rule, to  
15 Mr. Mitchell, counsel for the Judge who is under consideration  
16 in No. 5. He responded that he would not stipulate  
17 to the taking of the deposition nor would he be present.  
18 We then felt it necessary to get a court order, pursuant  
19 to 5966, which Senator Bates is familiar with, and got a  
20 court order first from Judge Blackwell in the 167th in  
21 Travis County and then eventually from Judge Darrell  
22 Hester, who is the presiding judge in the 229th, and  
23 pursuant thereto the subpoena was served by Ranger Powell  
24 I guess, last Friday.

25 That is the background of the taking of this

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1 deposition which pertains to the Judicial Qualifications  
2 Proceedings, and I will not go into all the detail, but  
3 as we have stated before the start of the deposition,  
4 this taking of the deposition, except which is necessary  
5 as a matter of public record which had to be filed in the  
6 229th application-order and the time you had to appear,  
7 etc., are matters which are confidential; therefore,  
8 their contents will not be revealed until such time as  
9 they are actually filed with the Texas Supreme Court, if  
10 the Judicial Qualifications Commission makes a recommenda-  
11 tion to the Texas Supreme Court. So, with that background,  
12 we will proceed with the questions on the deposition.

13 The first question I would like to ask you, Mr.  
14 Manges, is whether or not you know Judge O. P. Carrillo?

15 A Yes, I know him.

16 Q Could I ask you, how long have you known Mr.  
17 Carrillo?

18 A Oh, I don't really recall how long. I know  
19 it's been several years.

20 Q Do you live in Duval County at the present time?

21 A Yes.

22 Q How long have you resided in Duval County?

23 A Three or four years.

24 Q And prior to that time, where did you live?

25 A San Antonio.

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Q How are you employed?

A Self-employed.

Q What type of business interests are you engaged in, in the self-employment?

A I do some ranching, a little oil business.

Q Is the name of your ranch "Duval County" or "Duval—

A Yes, sir. "Duval County Ranch Company."

Q Duval County Ranch Company. Is that a corporation?

A Yes.

Q What is your position, if any, with that corporation?

A I am now, at the present, chairman of the board.

Q By the name, I take it that is located, obviously in Duval County?

A Yes, sir.

Q Is that out somewhere around Freer?

A Yes.

Q You say you have lived in Duval County three or four years. Back now, how long do you say you have known O. P. Carrillo?

A Several years.

Q Would it be more than—

A I don't exactly recall how long.



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1 Q Do you recall if you knew him before you moved  
2 into Duval County, personally?

3 A Yes.

4 Q Are you familiar with a lawsuit that was styled,  
5 "Clinton Manges vs. M. A. Guerra, et al," Cause No. 3953?

6 A Jim, some of these things I don't recall. Which  
7 lawsuit are they talking about? There are fifteen lawsuits  
8 or more that have been filed.

9 MR. BATES: Plus three today.

10 A I don't know. I refuse to answer on the ground—  
11 Can we stipulate that? Would it be all right, or do you  
12 want me to go into detail?

13 MR. BATES: Let me write it out for you  
14 so you will be sure.

15 A Okay.

16 (Brief delay)

17 MR. ODAM: Walter, would you read the ques-  
18 tion to him again?

19 (The last question was read by the Reporter.)

20 A Okay. I refuse to answer the question on the  
21 grounds the answer might tend to incriminate me. This  
22 refusal is based on the Fifth Amendment to the Constitution  
23 of the United States.

24 Q Do you know whether or not the previously re-  
25 ferred lawsuit, Manges vs. Guerra, had been pending on

1 the docket prior to the time that Judge Carrillo assumed  
2 his duties as Judge of the 229th District Court?

3 A I refuse to answer the question on the grounds  
4 the answer might tend to incriminate me. This refusal  
5 based on the Fifth Amendment to the Constitution of the  
6 United States.

7 (Discussion off the record)

8 Q Mr. Manges, do you recall whether or not, on  
9 or about December 10 of 1970, O. P. Carrillo received from  
10 you ten shares of stock in the First State Bank and Trust  
11 Company of Rio Grande City, Texas?

12 A I refuse to answer the question on the grounds  
13 the answer might tend to incriminate me. This refusal  
14 based on the Fifth Amendment to the Constitution of the  
15 United States.

16 Q Do you know whether or not, assuming that the  
17 ten shares of stock were transferred, do you know whether  
18 or not that bank stock was included within the property  
19 that was in dispute in the lawsuit, Manges vs. Guerra,  
20 and was in custodia legis?

21 A I refuse to answer the question on the ground  
22 the answer might tend to incriminate me. This refusal  
23 based on the Fifth Amendment to the Constitution of the  
24 United States.

25 Q Mr. Manges, do you know, or do you recall

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1 whether or not you caused to be issued a check on your  
2 banking account at the First State Bank and Trust, dated  
3 January 27, 1971, a check in the amount of \$6,915.55  
4 payable to the order of Riata Cadillac in San Antonio,  
5 Texas?

6 A I refuse to answer the question on the grounds  
7 the answer might tend to incriminate me. This refusal is  
8 based on the Fifth Amendment to the Constitution of the  
9 United States.

10 Q Do you know whether or not, Mr. Manges, the sum  
11 of money which was previously referred to, \$6,915.55,  
12 was to be applied to the purchase price of a 1971 Cadillac  
13 that O. P. Carrillo had ordered?

14 A I refuse to answer the question on the grounds  
15 the answer might tend to incriminate me. This refusal is  
16 based on the Fifth Amendment to the Constitution of the  
17 United States.

18 Q Mr. Manges, do you know whether of not the sum  
19 of \$6,915.55 was applied as credit for the benefit of  
20 O. P. Carrillo for this Cadillac?

21 A I refuse to answer the question on the grounds  
22 the answer might tend to incriminate me. This refusal is  
23 based on the Fifth Amendment to the Constitution of the  
24 United States.

25 Q In the Order signed by Judge Hester and in the

1 subpoena issued pursuant thereto, the subpoena stated th  
2 you were requested to bring with you today at the taking  
3 of this deposition a cancelled check dated on or about  
4 January 27th, 1971, in the sum of \$6,915.55 payable to  
5 Riata Cadillac Company, San Antonio, Texas, drawn on the  
6 First State Bank and Trust Company of Rio Grande City.  
7 Now, Mr. Manges, did you bring with you today that check  
8 in said amount?

9 A It is impossible, Mr. Odam, for me to bring th  
10 check because it hasn't been in my possession.

11 Q To whom did you turn the check over?

12 A As I recall, I think I gave it to Mr. Arthur  
13 Mitchell and he, in turn,—in another subpoena from the  
14 House of Representatives, they offered that check. Eithe  
15 he gave it to them and they still have it, or we gave it  
16 back. I know we took it to the House of Representatives  
17 and we haven't seen it since then. I have been trying to  
18 find it.

19 Q This was in connection with the impeachment  
20 hearings that the House had?

21 A Yes.

22 MR. ODAM: Mark that, please.

23 (The instrument referred to  
24 was marked "COM-1" for identifi-  
cation, and is attached.)

25 Q Mr. Manges, I show you a Xeroxed copy of a chec

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1 and ask if you could identify that check?

2 A I refuse to answer the question on the grounds  
3 the answer might tend to incriminate me. This refusal is  
4 based on the Fifth Amendment to the Constitution of the  
5 United States.

6 Q Could you identify, Mr. Manges, whether or not  
7 the signature on the check which is Commission Exhibit  
8 No. 1, is your signature?

9 A I refuse to answer the question on the grounds  
10 the answer might tend to incriminate me. This refusal is  
11 based on the Fifth Amendment to the Constitution of the  
12 United States.

13 Q Mr. Manges, do you know whether or not O. P.  
14 Carrillo, in the summer of 1970, ordered from Riata  
15 Cadillac a 1971 Cadillac?

16 A I refuse to answer the question on the grounds  
17 the answer might tend to incriminate me. This refusal is  
18 based on the Fifth Amendment to the Constitution of the  
19 United States.

20 Q Do you know whether or not, Mr. Manges, that an  
21 allowance was made for the trade-in by O. P. Carrillo and  
22 the balance on the purchase price was paid by you on the  
23 Cadillac?

24 A I refuse to answer the question on the grounds  
25 the answer might tend to incriminate me. This refusal is

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based on the Fifth Amendment to the Constitution of the United States.

Q In the summer of 1971, after O. P. Carrillo had assumed the duties of District Judge of the 229th Judicial District Court, did O. P. Carrillo enter into a open-end grazing lease with you, for grazing rights?

A I refuse to answer the question on the grounds the answer might tend to incriminate me. This refusal is based on the Fifth Amendment to the Constitution of the United States.

Q Assuming that there was a grazing lease entered into, was this grazing rights for approximately 1,200 to 1,500 acres?

A I refuse to answer the question on the grounds the answer might tend to incriminate me. This refusal is based on the Fifth Amendment to the Constitution of the United States.

Q Do you know whether or not, assuming there was such a lease entered into, the land covered by this open end lease agreement was included in the realty that was involved in the receivership suit to which I previously referred, Manges versus Guerra, to which you were a party plaintiff?

A I refuse to answer the question on the grounds the answer might tend to incriminate me. This refusal is

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1 based on the Fifth Amendment to the Constitution of the  
2 United States.

3 Q Do you know whether or not, subsequent to the  
4 lease that I just referred to, assuming that it was  
5 entered into, whether O. P. Carrillo entered into an  
6 oral agreement with you under the terms of which O. P.  
7 Carrillo acquired grazing rights on an additional 5,000  
8 to 6,000 acres of land which was included in the property  
9 suits, Manges versus Guerra?

10 A I refuse to answer the question on the grounds  
11 the answer might tend to incriminate me. This refusal is  
12 based on the Fifth Amendment to the Constitution of the  
13 United States.

14 Q Assuming that there was a lease entered into  
15 as referred to in the last question, do you know whether  
16 or not the lease term was for three years?

17 A I refuse to answer the question on the grounds  
18 the answer might tend to incriminate me. This refusal is  
19 based on the Fifth Amendment to the Constitution of the  
20 United States.

21 Q Could you please state for the record, whether  
22 or not one of the conditions of such lease, assuming that  
23 there was a lease entered into, was that O. P. Carrillo  
24 was to pay you, the party plaintiff in the above referenc-  
25 ed case, the consideration of \$1.00 for the lease?

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1 A I refuse to answer the question on the grounds  
2 the answer might tend to incriminate me. This refusal is  
3 based on the Fifth Amendment to the Constitution of the  
4 United States.

5 Q Assuming that there was such a lease entered  
6 into, do you know whether or not the consideration to be  
7 paid was to be paid at the end of the three year lease  
8 term?

9 A I refuse to answer the question on the grounds  
10 the answer might tend to incriminate me. This refusal is  
11 based on the Fifth Amendment to the Constitution of the  
12 United States.

13 Q Assuming that there was such an open-end grazing  
14 lease entered into and then then additions that were  
15 made to it at a later time, do you know whether or not  
16 there was a written document on the lease agreement?

17 A I refuse to answer the question on the grounds  
18 the answer might tend to incriminate me. This refusal is  
19 based on the Fifth Amendment to the Constitution of the  
20 United States.

21 Q Was the lease agreement ever reduced to writing?

22 A I refuse to answer the question on the grounds  
23 the answer might tend to incriminate me. This refusal is  
24 based on the Fifth Amendment to the Constitution of the  
25 United States.



Q Will you please state whether or not, to your own personal knowledge, O. P. Carrillo has ever served as director of the First State Bank and Trust?

A I refuse to answer the question on the grounds the answer might tend to incriminate me. This refusal is based on the Fifth Amendment to the Constitution of the United States.

Q Do you know whether or not O. P. Carrillo was appointed director of the First State Bank and Trust on December 10, 1970?

A I refuse to answer the question on the grounds the answer might tend to incriminate me. This refusal is based on the Fifth Amendment to the Constitution of the United States.

Q Do you know whether or not, to your own personal knowledge, at an annual stockholders meeting, held January 14, 1971, O. P. Carrillo was elected director of the First State Bank upon your motion?

A I refuse to answer the question on the grounds the answer might tend to incriminate me. This refusal is based on the Fifth Amendment to the Constitution of the United States.

MR. ODAM: I will ask you to mark this as Commission Exhibit No. 2, please sir.

(The instrument referred to was marked "COM-2" for identification, and is attached.)

1  
2  
3 Q Mr. Manges, I show you a copy purported to be  
4 the minutes of the annual stockholders meeting at the  
5 above referenced meeting, held January 14, 1971, and will  
6 give you an opportunity to look it and study it.

7 A (The witness examined the document.)

8 Q At that stockholders meeting it was reported  
9 that one of the directors present was Clinton Manges,  
10 owning 740 shares in the bank. Could you confirm or  
11 deny that you were present at said meeting?

12 A I refuse to answer the question on the grounds  
13 the answer might tend to incriminate me. This refusal is  
14 based on the Fifth Amendment to the Constitution of the  
15 United States.

16 Q Could you confirm or deny that you owned 740  
17 shares in the Rio Grande City Bank at that time?

18 A I refuse to answer the question on the grounds  
19 the answer might tend to incriminate me. This refusal is  
20 based on the Fifth Amendment to the Constitution of the  
21 United States.

22 Q The minutes reflect that of the total shares  
23 represented there were 810 shares, and that on a motion,  
24 the minutes state, made by you, several directors were  
25 elected, one of whom was O. P. Carrillo. Do you recall

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1 attending that meeting and moving that O. P. Carrillo be  
2 elected director?

3 A I refuse to answer the question on the grounds  
4 the answer might tend to incriminate me. This refusal is  
5 based on the Fifth Amendment to the Constitution of the  
6 United States.

7 Q Do you recall the circumstances that brought  
8 about O. P. Carrillo's taking a position as director on  
9 the First State Bank and Trust?

10 A I refuse to answer the question on the grounds  
11 the answer might tend to incriminate me. This refusal is  
12 based on the Fifth Amendment to the Constitution of the  
13 United States.

14 Q Do you know whether or not at the January 13,  
15 1972, annual stockholders meeting of the First State  
16 Bank and Trust, O. P. Carrillo was or was not elected  
17 director of the First State Bank and Trust?

18 A I refuse to answer the question on the grounds  
19 the answer might tend to incriminate me. This refusal is  
20 based on the Fifth Amendment to the Constitution of the  
21 United States.

22 MR. ODAM: Will you mark, this?

23 (The instrument referred to  
24 was marked "COM -3" for identifi-  
cation, and is attached.)

25 Q Mr. Manges, I show you a copy of what the

1 court reporter has marked as Commission Exhibit No. 3.  
2 It is purported to be a copy of the January 13, 1972  
3 annual stockholders meeting of the First State Bank and  
4 Trust, and give you an opportunity to examine it.

5 A (The witness examined the document.)

6 Q The minutes of the meeting state that your sto  
7 was voted by proxy and that you had 730 shares out of a  
8 total of 810 shares that were voted. Your stock was  
9 voted by proxy. Do you recall who you asked to vote  
10 your stock by proxy?

11 A I refuse to answer the question on the grounds  
12 the answer might tend to incriminate me. This refusal i  
13 based on the Fifth Amendment to the Constitution of the  
14 United States.

15 Q Do you recall how you asked that your shares b  
16 voted by proxy?

17 A I refuse to answer the question on the grounds  
18 the answer might tend to incriminate me. This refusal  
19 based on the Fifth Amendment to the Constitution of the  
20 United States.

21 Q The minutes state that upon motion by Mr. Robe  
22 G. Richmond that several directors were elected by  
23 unanimous vote of 810 shares, your shares totaling 730  
24 810, and that O. P. Carrillo was elected director. Do  
25 you recall who you instructed to vote your shares for

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1 O. P. Carrillo to be a director at that meeting?

2 A I refuse to answer the question on the grounds  
3 the answer might tend to incriminate me. This refusal is  
4 based on the Fifth Amendment to the Constitution of the  
5 United States.

6 Q Do you know whether or not at the January 11,  
7 1973, annual stockholders meeting of the First State Bank  
8 and Trust whether or not O. P. Carrillo was elected  
9 director of the First State Bank and Trust?

10 A I refuse to answer the question on the grounds  
11 the answer might tend to incriminate me. This refusal is  
12 based on the Fifth Amendment to the Constitution of the  
13 United States.

14 (An instrument was marked  
15 "COM-4" for identification,  
and is attached.)

16 Q Mr. Manges, I show you a Xeroxed copy of what  
17 purports to be the minutes of the January 11, 1973,  
18 annual stockholders meeting of the First State Bank and  
19 Trust for your examination.

20 A (The witness examined the document.)

21 Q Mr. Hickman has marked it as Commission Exhibit  
22 No. 4. Reading from the minutes it indicates that there  
23 was a total of 5,806 shares voted by proxy at that time,  
24 of 5,806 shares, and there were a total of 980 shares  
25 present. Of the 5,806 you had 5,617 shares voted. The

1 minutes also reflect that O. P. Carrillo, among others,  
2 was unanimously elected by a vote of 6,786 shares to be-  
3 come a director of that bank. Do you recall whether or  
4 not you instructed someone to vote your shares unanimous  
5 for O. P. Carrillo to be elected director of the bank?

6 A I refuse to answer the question on the grounds  
7 the answer might tend to incriminate me. This refusal  
8 based on the Fifth Amendment to the Constitution of the  
9 United States.

10 Q The minutes also reflect that of the 6,786  
11 shares represented that you owned 5,617. Would you state  
12 whether or not, you were at that time an owner of the  
13 majority of the stock of the First State Bank and Trust

14 A I refuse to answer the question on the grounds  
15 the answer might tend to incriminate me. This refusal  
16 is based on the Fifth Amendment to the Constitution of  
17 the United States.

18 Q Would you state, whether or not at the present  
19 time you are the owner of a majority of the shares of the  
20 stock in the First State Bank and Trust?

21 A I refuse to answer the question on the grounds  
22 the answer might tend to incriminate me. This refusal  
23 based on the Fifth Amendment to the Constitution of the  
24 United States.

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1 (An instrument was marked  
2 "COM-5" for identification  
and is attached.)

3 Q Mr. Manges, I show you what Mr. Hickman has  
4 marked as Exhibit No. 5, which is a certificate of the  
5 First State Bank and Trust, indicating that O. P. Carrillo  
6 was the owner of ten shares of stock and that stock trans-  
7 fer book indicates that the ten shares of stock were  
8 transferred from you to O. P. Carrillo, and I ask you to  
9 examine it, please.

10 A (The witness examined the instrument.)

11 Q I will ask you to state for the record whether  
12 or not you have ever seen the original copy or a copy of  
13 this certificate transferring these shares to O. P.  
14 Carrillo before?

15 A I refuse to answer the question on the grounds  
16 the answer might tend to incriminate me. This refusal  
17 is based on the Fifth Amendment to the Constitution of  
18 the United States.

19 Q Referring back to the Cadillac automobile, would  
20 you please state for the record the reasons that you  
21 made the payment, assuming that a payment was made by you,  
22 on the Cadillac automobile referred to in the previous  
23 questions?

24 A I refuse to answer the question on the grounds  
25 the answer might tend to incriminate me. This refusal is

1 based on the Fifth Amendment to the Constitution of  
2 the United States.

3 Q Please state whether or not the payment on the  
4 Cadillac automobile was a gift from you to O. P. Carrillo

5 A I refuse to answer the question on the grounds  
6 the answer might tend to incriminate me. This refusal is  
7 based on the Fifth Amendment to the Constitution of the  
8 United States.

9 Q Will you please state for the record whether or  
10 not you have asked O. P. Carrillo to serve as a director  
11 on the Board of The First State Bank and Trust of Rio  
12 Grande City?

13 A I refuse to answer the question on the grounds  
14 the answer might tend to incriminate me. This refusal is  
15 based on the Fifth Amendment to the Constitution of the  
16 United States.

17 Q Will you state whether or not the shares of stock  
18 were transferred to O. P. Carrillo so that he might be  
19 qualified to serve as a director of said bank?

20 A I refuse to answer the question on the grounds  
21 the answer might tend to incriminate me. This refusal is  
22 based on the Fifth Amendment to the Constitution of the  
23 United States.

24 Q Do you recall, assuming that a lease was entered  
25 into with O. P. Carrillo, do you recall what the rate of



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1 the lease was for the land that I previously asked you  
2 about?

3 A I refuse to answer the question on the grounds  
4 the answer might tend to incriminate me. This refusal is  
5 based on the Fifth Amendment to the Constitution of the  
6 United States.

7 Q Do you presently own a piece of property in  
8 Benavides, Texas?

9 A I refuse to answer the question on the grounds  
10 the answer might tend to incriminate me. This refusal is  
11 based on the Fifth Amendment to the Constitution of the  
12 United States.

13 Q Assuming that you own a piece of property in  
14 Benavides, Texas, do you know whether or not you acquired  
15 that piece of property from O. P. Carrillo?

16 A I refuse to answer the question on the grounds  
17 the answer might tend to incriminate me. This refusal is  
18 based on the Fifth Amendment to the Constitution of the  
19 United States.

20 Q Do you recall a transaction occurring on or about  
21 October 12, 1970, whereby O. P. Carrillo conveyed to you  
22 a certain piece of property in Benavides, Texas?

23 A I refuse to answer the question on the grounds  
24 the answer might tend to incriminate me. This refusal is  
25 based on the Fifth Amendment to the Constitution of the

1 United States.

2 Q Do you recall the conditions surrounding a late  
3 conveyance of property in Benavides, Texas, by way of a  
4 deed dated, April 9, 1973?

5 A I refuse to answer the question on the grounds  
6 the answer might tend to incriminate me. This refusal is  
7 based on the Fifth Amendment to the Constitution of the  
8 United States.

9 Q In the lawsuit that I previously referred to  
10 Manges versus Guerra, do you recall whether or not you  
11 appeared as a witness in that hearing?

12 A I refuse to answer the question on the grounds  
13 the answer might tend to incriminate me. This refusal is  
14 based on the Fifth Amendment to the Constitution of the  
15 United States.

16 Q I have before me a statement of evidence of  
17 Volume I, of that hearing. The index indicates that you  
18 were examined by Mr. Smith, beginning at page 51, and the  
19 next examination of another witness started up by Mr.  
20 Smith, a witness by the name of Dennis Hendrix, starting  
21 at page 77. Evidence indicates on a later day you were  
22 examined by Mr. Smith, beginning at page 88, and the next  
23 witness H. Dennis Hendrix, was beginning at page 88 of  
24 approximately 10 pages.

25 MR. ODAM: I would ask the court reporter

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1 to mark and we would have made as a part of this deposi-  
2 tion, those pages of testimony beginning at page 51 of  
3 your testimony. Mr. Hickman, I would ask that you mark  
4 Volume I, page 51, as a part of this deposition, which  
5 will be pages 51 to 77, and then the other testimony that  
6 I have previously referred to given by Mr. Manges.

7 (The testimony referred to was  
8 marked "COM-6" for identifica-  
tion and is attached.)

9 Q Mr. Manges, I would ask you to look at what he  
10 has marked at page 51 as your testimony in that proceed-  
11 ing?

12 A (The witness examined the exhibit.)

13 Q And I would ask you, if you recall giving  
14 testimony in that proceeding?

15 A I recall testifying in several proceedings. This  
16 probably was one of those cases I testified in.

17 MR. BATES: Counsel, if it will shorten  
18 your question any, because I am getting down to a critical  
19 stage in my schedule today, we would have no objection to  
20 the pages that you have indicated as a part of that trans-  
21 cript prepared by Mr. D. A. VanDresser, court reporter of  
22 the 93rd District Court being made a part of this record.

23 MR. ODAM: All right. I take it by that  
24 that whatever statements that are made by---

25 MR. BATES: The record there will have to

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1 speak for itself.

2 MR. ODAM: All right. Fine. That will  
3 shorten the proceedings and I will have to go through th  
4 items page by page.

5 Do you have any questions?

6 MR. FLUSCHE: No.

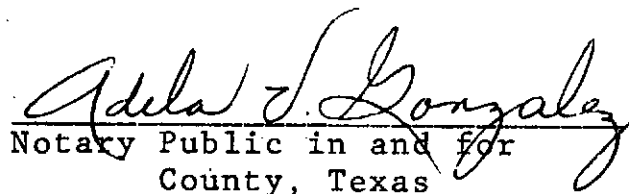
7 MR. ODAM: I have no further questions at  
8 this time, nor does Mr. Flusche.

9 MR. BATES: We have nothing to add.

10 (Whereupon at 9:45 a.m., the deposition was  
11 concluded.)

12  
13   
14 Clinton Manges

15 SUSCRIBED AND SWORN to before the undersigned  
16 authority, this 31<sup>st</sup> day of October, 1975, at Corpus Christi  
17 City, Texas.

18  
19   
20 Notary Public in and for  
21 County, Texas  
22 **ADELA V. GONZALEZ**

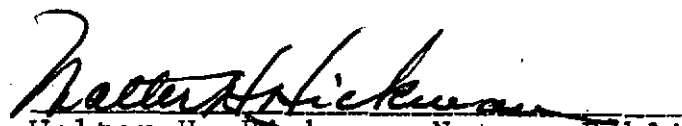
**00036**  
CERTIFICATE

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THE STATE OF TEXAS §  
  §  
COUNTY OF TRAVIS §

I Walter H. Hickman, a Notary Public in and  
for Travis County, Texas, do certify that on the 22nd  
day of October, 1975, the deposition of the witness,  
CLINTON MANGES, was taken before me and that the foregoing  
26 pages constitute a full, true and correct transcription  
of my Stenograph notes.

GIVEN under my hand and seal of office this 24th  
day of October, 1975.

  
Walter H. Hickman, Notary Public  
in and for Travis County, Texas

THE STATE OF TEXAS

TO ANY SHERIFF OR ANY CONSTABLE OF THE STATE OF TEXAS, GREETING:

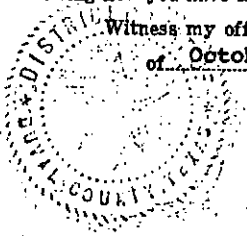
You are hereby Comanded that you Summon HON. O. P. Carrillo, Benavides,  
Texas

of \_\_\_\_\_ in Duval County, Texas, and who is represented to reside within one hundred miles of the Courthouse of Duval County, Texas, in which this suit is pending or who may be found within such distance at the time of trial, to be and appear before ~~the~~ Walter Hickman of his designated employees, a duly Notary Public in and for Travis County to be held at the County Courthouse ~~Annex~~ in San Diego in said County } \*forthwith,  
day of October, A. D. 1975, at 9:00 o'clock A. M., then and there to testify as a witness, in a certain cause now pending in said Court, styled In the Matter of the Proceedings of State, ~~proposed~~ Judicial Qualifications Commission No. 5, ~~defendant~~ and No. 9270 on the docket of said Court, and that he bring with him and produce in said Court, at said time and place, the below described books, papers, and cancelled checks

desired before the Court in said cause, to-wit:  
**All books of account, records, papers, and cancelled checks pertaining to his business relationship with Benavides Implement and Hardware Company.**

and there attend the Court from day to day, and from term to term, until lawfully discharged.  
Issued this 17th day of October, 1975, and at the instance of State Judicial Qualifications Commission in said suit.

Herein Fail Not, but have you then and there before said Court this writ, with your return thereon, showing how you have executed the same.



Witness my official signature, at San Diego on this the 17th day of October A. D. 1975

A. Salinas Clerk  
229th Judicial District Court  
Duval County  
By H. H. Gonzalez Deputy  
H. G. Gonzalez

COM - 2  
10-21-75 WJH

\*Strike out to show forthwith or a specified date.

00038

IN THE MATTER OF PROCEEDING § IN THE DISTRICT COURT  
OF STATE JUDICIAL § OF DUVAL COUNTY, TEXAS  
QUALIFICATIONS COMMISSION § 229TH JUDICIAL DISTRICT  
NO. 5 §

O R D E R

On this 17<sup>th</sup> day of October, 1975, came on to be heard the Application For Order Compelling Appearance For Taking Of Deposition in the above entitled and numbered cause and the court having considered such petition is of the view and so finds that the relief sought in such petition should be granted, it is, accordingly,

ORDERED, ADJUDGED and DECREED that the persons named below residing at the addresses shown are ordered to appear and testify at the times designated below in a deposition to be taken before Walter Hickman or his designated employee, a duly qualified and serving Notary Public in and for Travis County, Texas, at the Courthouse Annex in San Diego, Texas, with directions as indicated for each such person.

Persons Ordered to appear and testify, their addresses, the time for the appearance of each and the directions for each are as follows:

- (1) (a) Person Requested to Testify: O. P. Carrillo
  - (b) Address: Benavides, Texas
  - (c) Time and Date to Testify: 9:00 o'clock A.M., Tuesday, October 21, 1975
  - (d) Directions: That a subpoena duces tecum be issued, compelling O. P. Carrillo then to produce all books of account, records, papers and cancelled checks pertaining to his business relationship with Benavides Implement and Hardware Company.
- (2) (a) Person Requested to Testify: Clinton Manges
  - (b) Address: Freer, Texas
  - (c) Time and Date to Testify: 9:00 o'clock A.M., Wednesday, October 22, 1975.

00039

- (d) Directions: That a subpoena duces tecum be issued, compelling Clinton Manges to then produce a cancelled check, dated on or about January 27, 1971, in the sum of \$6,915.55, payable to Riata Cadillac Co., San Antonio, Texas, drawn on the First State Bank and Trust Co. of Rio Grande City, Texas.
- (3) (a) Person Requested to Testify: Ramiro Carrillo
- (b) Address: Benavides, Texas.
- (c) Time and Date to Testify: 1:30 o'clock P.M., Wednesday, October 22, 1975.
- (d) Directions: That a subpoena duces tecum be issued, compelling Ramiro Carrillo then to produce all books of account, records, papers and cancelled checks pertaining to his business relationship with Benavides Implement and Hardware Company.

The District Clerk of Duval County, Texas is hereby Ordered to issue the subpoenas duces tecum necessary to compel the attendance of the above-named witnesses at the times and places designated in this Order and under the conditions specified herein.

Done and entered this 17<sup>th</sup> day of October, 1975.

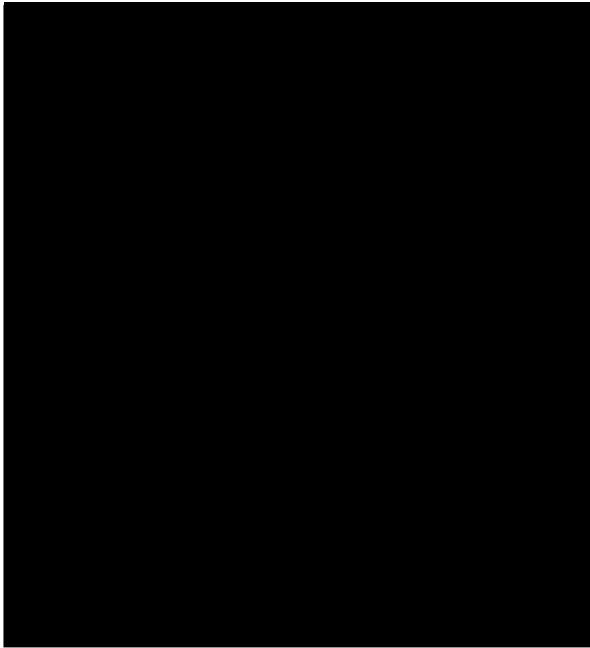
*13/ Darrell Hunter*

Judge, 229th Judicial District Court  
Duval County, Texas



00040

EXHIBIT NO. 1



*FILE* COM-1  
10-22-75 *WMT*



00041

EXHIBIT NO. 2

5290  
COM-2  
10-22-71

January 14, 1971

00042

The annual stockholders meeting of the First State Bank & Trust Company of Rio Grande City, Texas was called to order by Clinton Manges, Chairman of the Board and after determining that more than two-thirds of the stock was represented in person or by proxy;

The following directors were present:

Clinton Manges	740
M. F. Garcia	10
Frank L. Anderson	10
H. P. Guerra, III	10
O. P. Carrillo	10
Max L. Jones	10
	<u>790</u>
Represented by proxy were:	
R. R. Guerra (W. T. Guerra)	10
J. A. Garza Est. (H. P. Guerra, III)	10
	<u>20</u>

The total shares represented were 810.

Upon motion made by Clinton Manges, seconded by Max L. Jones the following directors were unanimously elected:

- Clinton Manges
- M. F. Garcia
- Frank L. Anderson
- H. P. Guerra, III
- O. P. Carrillo
- Max L. Jones
- R. R. Guerra
- Frank R. Nye, Jr.
- Dennis Hendricks

Upon motion made by Clinton Manges, seconded by H. P. Guerra, III and carried, Mr. F. L. Anderson was to contact the Banking Department and inquire how much we should increase our Capital Stock and it will be taken up at next month's meeting.

There being no further business, the meeting adjourned.

\_\_\_\_\_  
CHAIRMAN

*Frank L. Anderson*  
\_\_\_\_\_  
SECRETARY

CA054

2 COM-2  
2 10-22-75 WAT

00043  
EXHIBIT NO. 3

5390  
10-22-75  
3 COM-3  
bhh

The Annual Stockholders meeting of the First State Bank & Trust Company of Rio Grande City, Texas, was called to order at 3:00 P.M. by Frank L. Anderson after determining that more than 2/3 of the Stock was represented in person or by proxy.

The Stock was represented as follows:

	<u>IN PERSON</u>	<u>BY PROXY</u>
Frank R. Nye, Jr.	10	
Dennis Hendrix	10	
M. F. Garcia	10	
Robert G. Richmond	10	
O. P. Carrillo	10	
H. P. Guerra, III	10	
F. L. Anderson	10	
R. Charles Richmond	10	
Clinton Manges		730
TOTAL	80	730

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The Minutes of the Annual meeting held on January 14, 1971 were read and upon Motion by Dennis Hendrix, seconded by M. F. Garcia, were approved as read.

The Minutes of the Special Stockholders Meeting were read and upon Motion by Frank R. Nye, Jr., seconded by Dennis Hendrix were approved as corrected.

Robert G. Richmond made a Motion that Section I of the By-Laws of the Bank be amended by increasing the number of directors from nine to thirteen. The Motion was seconded by Frank R. Nye, Jr. and upon vote carried. It reads as follows:

"RESOLVED that the number of directors of the First State Bank & Trust Company of Rio Grande City, Texas be increased from nine, the present number to thirteen, and further:

"RESOLVED that Section I of the By-Laws of said Bank be amended by substituting therein the word "Thirteen" for the word "Nine" and further:

"RESOLVED that a certified copy of this resolution be transmitted to and filed with the State Banking Commissioner of the State of Texas"

Upon Motion by Robert G. Richmond, seconded by Dennis Hendrix, the following directors were elected unanimous vote of the 810 shares represented:

- Frank L. Anderson
- Robert G. Richmond
- H. P. Guerra, III
- M. F. Garcia
- Dennis Hendrix
- Frank R. Nye, Jr.
- R. Charles Richmond
- Max Jones
- O. P. Carrillo
- Pedro Diaz, Jr.
- Francisco Garza
- Ramiro D. Carrillo
- Don Manges

Robert G. Richmond made a Motion that Section 26 of the BY-LAWS of the Bank be amended to change the date of the regular meeting of the Board of Directors from the second Thursday to the third Thursday of each month beginning with the meeting of the month of February. Upon second by M. F. Garcia, the Motion carried.

Mr. Carl Hamilton, Attorney at Law, stated that he was representing Mr. Joel Guerrero and that he understood that the book value of the stock would be reduced to \$216.00 per share if the Capital was increased by a sale of 6,000 shares at \$100.00 per share. He stated that the only way that Mr. Guerrero could keep his present value was to purchase. Dennis Hendrix explained that a letter had been written to the Banking Commissioner and that a copy of the Resolution authorizing the increase in Capital as above stated had been sent to him. He further stated that Robert G. Richmond later visited with the Banking Commissioner in Austin and the the Commissioner had told him that it was allright to proceed in accordance with the Resolution. A lengthy discussion on the proposed increase followed. The following Motion was made by Dennis Hendrix and Seconded by Frank R. Nye:

3.COM-3  
3 10-22-75 WAK

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Company of Rio Grande City, Texas be amended by increasing the capital stock of said bank from \$100,000.00 to \$700,000.00 by a sale of 6,000 shares at a price of \$100.00 per share, and each stockholder be entitled to purchase his proportionate share of the capital increase and further, that if any stockholder does not elect to purchase his proportionate share that he assign his right of subscription to any other stockholder or that any un-subscribed proportionate share be allocated by the Board of Directors among the other stockholders provided this complies with all applicable State Laws."

Upon vote the above motion was unanimously passed.

Dennis Hendrix stated that he wanted to clarify that since Mr. Hamilton had raised the objection that Mr. Elias Guerrero was not authorized to vote the 100 shares of the Vicente Guerrero Estate, that at the Special Stockholders Meeting held on December 9, 1971, the total number of shares represented and voted should be 824 instead of 924.

Dennis Hendrix made the following Motion: That in carrying out the proposition to increase the Capital Stock of the Bank, the procedures contained in Article 12, Chapter III of the Texas Banking Code be followed. Upon second by Frank R. Ny and vote, the Motion carried.

There being no further business, upon Motion by M. F. Garcia, seconded by Dennis Hendrix, the meeting adjourned at 4:22 P.M.

  
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CHAIRMAN

  
\_\_\_\_\_  
SECRETARY

3 COM-3  
3/10-22-75 WTH

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EXHIBIT NO. 4

5290  
10-22-75  
COM-11  
WMA

The annual Stockholders Meeting of the First State Bank & Trust Company of Rio Grande City, Texas, was called to order at 3:20 P.M. by Frank L. Anderson, after determining that more than two-thirds of the Stock was represented in person or by proxy. Stock was represented as follows:

	<u>IN PERSON</u>	<u>BY PROXY</u>
Frank L. Anderson	10	
James S. Bates, Sr.	10	
O. P. Carrillo	10	
M. F. Garcia	10	
Francisco Garza	10	
H. P. Guerra, III	10	
Dennis E. Hendrix	10	
Clarence Martens	10	
Frank R. Nye, Jr.	10	
R. Charles Richmond	10	
Robert G. Richmond	880	
Guadalupe M. Gonzalez		169
Max L. Jones		10
Clinton Manges		5,617
Don A. Manges		10
TOTAL	980	5,806

The Minutes of the Annual Meeting held on January 13, 1972 were read and upon Motion by O.P. Carrillo, seconded by M. F. Garcia were approved as read.

Robert G. Richmond made a Motion that Section 1 of the By-Laws of the Bank be amended by increasing the number of Directors from thirteen to seventeen. The Motion was seconded by Dennis E. Hendrix and upon vote, carried.

It reads as follows:

"RESOLVED that the number of Directors of the First State Bank & Trust Company of Rio Grande City, Texas be increased from thirteen, the present number, to seventeen, and further:

RESOLVED that Section 1 of the By-laws of said Bank be amended by substituting therein the word "seventeen" for the word "thirteen", and further:

RESOLVED that a certified copy of this resolution be transmitted to and filed with the Banking Commissioner of the State of Texas."

Robert G. Richmond made a Motion that Section 3 of the By-Laws of the Bank be amended to change the annual meeting of the Stockholders from the second Thursday of January to the third Thursday of January. The Motion was seconded by Dennis E. Hendrix and upon vote, carried.

It reads as follows:

RESOLVED THAT the annual meetings of the stockholders of the First State Bank & Trust Company of Rio Grande City, Texas be changed from the second Thursday of January to the third Thursday of January, and further:

RESOLVED that Section 3 of the By-Laws of said Bank be amended by substituting the word "third" for the word "second", and further:

RESOLVED that a certified copy of this resolution be transmitted to and filed with the Banking Commissioner of the State of Texas."

Upon Motion by Robert G. Richmond, seconded by Dennis H. Hendrix, the following Directors were elected by unanimous vote of the 6,786 shares represented:

Robert G. Richmond  
Dennis E. Hendrix  
Frank L. Anderson  
Francisco Garza  
M. F. Garcia  
O. P. Carrillo  
R. Charles Richmond  
Frank R. Nye, Jr.

2 COM-4  
3 10-22-75 WAK



James S. Bates, Sr.  
Clarence Marins  
H. P. Guerra, III  
Don Manges  
Dan Manges  
Ramiro Carrillo  
Max L. Jones  
Pedro Diaz, Jr., and  
Orville Dennis

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There being no further business, upon Motion by M. F. Garcia, seconded  
by Dennis E. Hendrix, the meeting adjourned at 4:00 P.M.

  
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CHAIRMAN

  
\_\_\_\_\_  
SECRETARY

FOR THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF JANUARY 18, 1973

SEE PAGE 26.

$\frac{2}{3}$  COM-4  
10-22-75 *WPH*

00049  
EXHIBIT NO. 5

0625  
10-22-75  
COM 5  
WAKE

Pages 00050-00051 of the original document contain personal information.

The original is available at the Legislative Reference Library.

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(Court was recessed until 1:15 P.M.,  
at which time the Court convened  
and the hearing was resumed as fol-  
lows:)

*38* *0825* *COM-6*  
*CO-22-75 WAT*

- - o - -

CLINTON MANGES,

Plaintiff in this cause, called as a witness by the defendants,  
being first duly sworn, testified as follows, to-wit:

EXAMINATION BY MR. SMITH:

Q Would you state your name, please?

A Clinton Manges.

Q I believe it has been testified this morning that you are  
the majority stockholder in the First State Bank & Trust  
Company of Rio Grande City?

A I am.

Q I meant to have this exhibit identified while Mr. Richmond  
was on the stand, but maybe you can do it. This is a  
statement of the condition of the bank as of December 31,  
1972, is that correct?

A I couldn't tell you. I'm not a director.

MR. SMITH: I will ask you if you would be  
willing to stipulate?

MR. CHURCH: If you would have it marked first,

*38* *WAT*

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we'll talk about it.

MR. SMITH: All right, mark it, please.

(The same was, by the reporter,  
marked for identification as De-  
fendants' Exhibit No. 4.)

MR. SMITH: It is the same document that was  
attached to our motion as Appendix "A".

MR. CHURCH: Well, we will have no objection  
except for the necessary correction -- it is stated on  
here December 31, 1973, and it should be December 31, 1972.

MR. SMITH: Thank you, sir.

Q While we are on the question of the bank, Mr. Manges, I  
would like for you to give me your understanding of how  
Judge O. P. Carrillo got on the Board of Directors of the  
First State Bank & Trust Company?

A I asked if he would like to serve.

Q Do you recall when you asked him?

A I really don't, just when I did.

Q To refresh your memory, I believe the record shows that  
he acquired ten shares of stock on December 10, 1970.

A So it would be prior to that.

Q Would be just prior to that?

A I don't know, could be a month or two or three difference.  
I don't remember just when.

Q In other words, it would be within two or three months?

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A That's right.

Q What was the consideration for the ten shares of stock you sold him?

A A partial payment was the house in Benavides.

Q Do you recall what the values were that were put on the house and the stock?

A If I recall correctly, I was looking for a house in Benavides because we intended, my family and I, to move there. He had a house to sell, but he didn't want to accept cash at that time. I offered - - - I asked him if he would like to serve on the Board, and I offered to give him ten shares of stock at my cost. And he wanted a car. and we just agreed to make the trade. As far as dollars and cents, I don't know, other than what the shares cost me.

Q Do you recall what your cost was?

A Not off-hand.

Q Did you know at that time what his balance was on the Cadillac automobile?

A What do you mean, what balance?

Q Well, suppose you just tell me in your own words - - -

A I just told you. He was going to trade his car in for a new one, and he had one ordered. I just agreed that I would pay the difference over his car if I could go make the deal myself and save him some money.

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Q Here is Exhibit 3, and this purports to be a copy of a check for sixty-nine hundred and some dollars, to Riata Cadillac Company.

A Right.

Q When you made this trade with Judge Carrillo, did you - - - what was the discussion concerning this Cadillac?

A I just told you. I would pay the difference.

Q Did you discuss how much the difference was?

A Whatever I could work out on it. If I could make the trade, I could save more.

Q You thought you could make a better deal with it than he could?

A Yes. I don't know if he was trying to trade his at the time or not. I think it was in Alice, but he delivered it to Riata.

Q And you handled that trade?

A Sure did.

Q Was that sixty-nine hundred the list price?

A No, sir, the difference.

Q What sort of horse trade did you make?

A \$6945.00.

Q What was the list?

A I don't know.

Q Do you know how much more it was than that?

A I don't have any idea.

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Q Would that trade have been made on or about December 10, 1972?

A No, sir, it was before. I think it was made in October, somewhere in there.

Q In other words, the bank stock deal and the deal on the Cadillac was at the same time?

A Yes, sir.

Q Was this the full purchase price on the car?

A As far as I know. He did trade in a car on it.

Q He did trade in a car on it?

A Yes, I told you that.

Q What kind of a car was traded in?

A I believe he had an older Cadillac.

Q Do you know what model it was?

A Sure don't.

Q Would you describe the house you acquired in this trade?

A I haven't been in it in the last few weeks, or last few months. It's about two blocks off of the main street in Benavides.

Q What is the address of it?

A I don't recall right off-hand.

Q How many rooms does it have?

Q I believe eight rooms.

Q How many bedrooms?

A I think four. I'm just trying to recall off-hand.



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I never did move into it after I traded for it.

Q You didn't ever move into it?

A No, sir.

Q Is it rented now?

A No, sir.

Q It's standing vacant?

A Just vacant.

Q Did you receive a deed for the property?

A Yes, sir.

Q Has it been recorded?

A I don't know. Mr. Hendrix handled it, with the title company

Q Did you get a guaranteed title?

A I don't know that. He can answer that. The title company handled the trade and all.

Q And the date on the deed would be the date you actually consummated the deal?

A I'm sure it would. It would be of record, I'm sure of that.

Q Did you change your mind about moving into the property, or was that your intention?

A That was my intention when I traded for it.

Q And what happened?

A We decided to move to Freer -- I bought a ranch up there.

Q You are living in Freer now?

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A Yes, sir.

Q On the ranch?

A No, sir.

Q Now, at the time you asked Judge Carrillo to serve on the Board of Directors of the bank, you knew he was to be the Judge who would preside in this case, did you not?

A I really didn't take it into consideration, wasn't even thinking of that point at that time.

Q Now, when you sought to have the Receiver, Mr. Bates, made a director of the Groos National Bank in San Antonio, did you - - -

MR. CHURCH: Please the Court, we are going to object to any testimony or any inquiry about transactions with the Groos National Bank because it is outside the scope of this law suit and has nothing to do with Judge Carrillo's qualification or disqualification, and the inquiry is made purely out of curiosity and is not relevant or material here. We object to any inquiry into that transaction unless he can show it had any connection with Judge Carrillo's alleged disqualification.

THE COURT: What connection is there?

MR. SMITH: Our position is that the plaintiff here has made an effort to confer favors on every officer of this Court who had anything to do with decision making and it is material in light of the fact that the Judge and

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all these officers accepted the favors. This fact makes it material to the whole procedure this litigant is using to try to pervert justice in this Court.

MR. CHURCH: Now we object to that statement. Your Honor, he has filed a motion saying that Judge Carrillo was disqualified, not anybody else. He didn't say the receiver is disqualified, he didn't say that the attorneys are disqualified. The whole purpose of his motion and of this hearing is that Judge Carrillo is disqualified. Yet he comes in now and makes the statement to the Court that he can show that the officers of the Court, or the receiver had received some other favors, and that has nothing to do with whether or not Judge Carrillo is disqualified.

THE COURT: I'll sustain the objection.

MR. SMITH: Well, all right, but I want to put it in the record under a bill of exceptions.

THE COURT: Okay.

MR. CHURCH: Well, I don't know what his inquiry will be, but the record shows our objection to the inquiry relating to the Groos National Bank, and our objection is in the record, and the Court's ruling. That is clear. And the ruling of the Court is clear. We would object to any further interrogation of this witness on that.

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THE COURT: I can't see the materiality of it too much. The remoteness of it is the - - - but I can see why you might try to show an underlying scheme.

MR. SMITH: Of which the Judge of the Court is a part.

THE COURT: Well, I don't think you can attribute everything to the Court.

MR. SMITH: The Court has to approve the applications of the receiver, and has done so.

THE COURT: Well, I'll still overrule and objection - - - I mean sustain the objection.

MR. SMITH: Well, then we will put it in under a bill.

Q You may now answer the question under our bill, Mr. Manges.

MR. CHURCH: No, we object to him answering any question as to the Groos National Bank, because it's not material or relevant under all the rules and statutes, and the Court has sustained the objection.

MR. SMITH: The right, your Honor, to put in a bill of exceptions is fundamental and absolute, so that the appellate Court gets a chance to rule on it. The trial Court is without power to stop that.

THE COURT: Okay, go ahead.

MR. SMITH: Your Honor, I don't think the bill is going to take any particular time. We want to submit

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to the witness here the material that was attached as Appendix "C" to our motion, and ask him if he authorized these - - - well, part of them are signed by him, but we would ask if he authorized this, and if he executed these and if this is action he took. That is very simple, and it will take only a minute.

MR. CHURCH: I understand how simple it is, but our objection goes to testimony referring to the Groos National Bank, which he raises not to show Judge Carrillo's disqualification, but to ask Mr. Manges about his personal business outside the scope of this case.

THE COURT: What is it you are going to ask him, counsel?

MR. SMITH: I will just let the Court see these documents I propose to ask him about, just for the information of the Court.

(The same were handed to the Court.)

THE COURT: Well, I will allow it to be put in on the bill of exceptions, but I don't see the materiality of it to this case.

MR. CHURCH: Please the Court, Mr. Smith's theory is this -- if, say on a deposition, Mr. Manges were asked the same question and he refused to answer it, and it came before the Court as to whether or not he was in contempt, the Court passing on the question would

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find that it was not material or relevant. Mr. Smith's idea is that even though it is not material and not relevant, he can still make the witness answer the question. That is what he is asking now on his bill. I say under the rules I brought the matter to the attention of the Court, and the Court has sustained my objection, and that is all in the record and will go up on this record here as to whether or not the Court's ruling was correct. That is why we object to him asking him a question on what he calls a bill of exception to obtain from this witness evidence that is not relevant or material, just to satisfy his curiosity.

MR. SMITH: Your Honor, this is not a matter of curiosity. Well, anyway the Court has ruled, and we are submitting it under a bill of exception. I think that's all there is to it. The appellate courts can decide between Mr. Church and myself who is right. We have plead and we say that when a litigant comes into Court and tries to give to the Judge favors and gifts of the sort demonstrated by this evidence, not only directly but through every officer of the Court, that is relevant. He says it isn't, I say it is. And I think the appellate court will say it is. The litigant can't come in and smother the officers of the Court with favors and the Court just sit by and watch it. This is so flagrant it

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has to be brought out on the Judge's qualification.

THE COURT: Well, I will let you attach those to your bill of exceptions merely for the purpose of showing what you would attempt to show, but that is the only purpose.

MR. SMITH: All right, Mr. Reporter, you may attach these as Bill of Exceptions Exhibit No. 1. For identification, these are the papers I attached as Exhibit "C" to the motion for disqualification.

(The same were so marked, and are herein contained at the appendix of exhibits.)

MR. SMITH: And we do want to ask the witness one or two questions about the documents.

MR. CHURCH: And we would renew our objection again, because the Court has ruled that it is irrelevant and immaterial, and the only purpose of additional questions is just his curiosity and not for the purpose of evidence on his bill. He has the documents in -- the Court allowed that. And now we object to any further interrogation. The record shows what the matter pertained to, shows my objection, and shows the Court's ruling. Therefore we again object to him asking any further questions.

MR. SMITH: I want to ask the witness if he

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signed these three documents, your Honor.

MR. CHURCH: I think they speak for themselves. They show whether he did or not.

MR. SMITH: Well, I want to ask him if he affixed his signature on them.

THE COURT: In order to prove it up, I will let you ask that question.

MR. CHURCH: Note our exception even to that.

Q Did you, Mr. Manges?

A As far as I know I did.

Q As far as you know you did?

A Yes, that's right.

Q At the time you sought to have Mr. Bates appointed as a director of that bank you knew, did you not, that he was the Receiver of M. Guerra & Son in this case?

MR. CHURCH: We object again to the interrogation of this witness regarding this matter which is not relevant or material to the disqualification of Judge Carrillo.

THE COURT: Sustain the objection.

MR. SMITH: We would like him to answer under the bill of exceptions.

THE COURT: I am going to refuse that. We are getting too far astray here.

MR. SMITH: Note our exception, please.

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MR. SMITH: Now, your Honor, we are going to have some questions on this matter of Mr. Manges loading the Board of Directors of this bank here in Rio Grande City with officers of this Court.

MR. CHURCH: We object to the reference to "loading" the board. If he wants to say elected, all right, but I don't think he should characterize it as loading.

MR. SMITH: I will be glad to accommodate Mr. Church, your Honor.

THE COURT: Re-phrase your question.

Q Mr. Manges, I believe Mr. Nye testified this morning that you had discussed with him his election to the board.

A I don't recall just when. I probably did.

Q Did you have any particular reason for wanting Mr. Nye on the board?

A Sure did. He is well known in this community, and we were trying to get all the politics out of the bank, have both sides in there.

Q At the time you talked to him about it, you did know, I believe, that he was a special attorney for the Receiver in this case?

A That had nothing to do with it. I just wanted somebody to represent the bank who was well known over here.

Q That had nothing to do with it?

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A Absolutely not.

Q I believe Mr. Dennis Hendrix has been on the board?

A Yes, sir.

Q Did you have any special reason for wanting him?

A Sure did, he is well qualified to serve on the Board of Directors.

Q Where does he live, do you know?

A In Edinburg.

Q You knew at the time you asked him to serve that he was the attorney for the Receiver in this case, did you not?

A Sure did.

Q And Ramiro Carrillo, who has been appointed on the board, I believe you have heard the testimony that he is the brother of Judge Carrillo?

A Yes, sir.

Q Did you discuss his appointment to the Board with him, with Ramiro?

A No, sir.

Q Well, as owner of the majority - - -

A Mr. Richmond had the proxy on it. I didn't discuss it with him, though.

Q You gave your proxy to Mr. Richmond?

A Yes.

Q Is there any reason why you are not serving on the Board?

A Yes, sir.

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Q Why not?

A The Comptroller of Currency asked me not to until we got this straightened out whether or not I was qualified to serve.

Q You generally discuss the matter with people who are prospects for the Board?

A Very seldom. I really don't. I let Mr. Richmond run the bank there.

Q Would you care to state what the problem is with the Comptroller of currency?

MR. CHURCH: I don't think that has any bearing whatsoever on whether or not Judge Carrillo is qualified.

THE COURT: I don't think so.

MR. CHURCH: And I object to it.

Q I believe Senator Bates, the Receiver, was elected to the Board this January. Did you discuss that with Senator Bates?

A Sure didn't.

Q Do you have any particular reason why you wanted Mr. - - -

A I didn't say I had discussed it with him. I said I did not.

Q I believe the minutes read here, concerning the election in January of 1971, reflect that you made the motion for the election of Judge Carrillo and the others who were elected then?

A Probably did. I don't recall. Whatever the minutes said.

THE COURT: What date was that?

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MR. SMITH: In 1971, January.

- 11
- A Whatever the minutes reflect.
- Q Now, back to this house and the bank stock. You have been in the real estate business for some time, have you not?
- A Sure have.
- Q When did you first go into the real estate business?
- A I don't recall.
- Q What is your present age?
- A Forty-eight.
- Q And how many years would you say you have been - - -
- A I don't recall.
- Q Would it be as much as ten years?
- A Could be.
- Q Could it be more than ten years?
- A Could be.
- Q Well, is it?
- A I couldn't tell you off-hand. I don't remember when I got my first license.
- Q Do you have a license at this time?
- A I think so. I don't recall if I have kept them in effect or not.
- Q But you have dealt with real estate?
- A Yes, sir.
- Q Buying and selling both?
- 17

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A Yes, sir.

Q As a matter of fact you probably bought and sold more than where you acted as an agent?

A I wouldn't attempt to decide that now. I would have to check each trade I ever made.

Q Now, I believe you own ranch property in Duval County?

A Own a corporation that owns some property up there.

Q When did you acquire that ranch?

A I don't recall exactly.

Q Could you tell me - - - could you give us an idea how many years ago?

A Within the last three or four years.

Q Do you recall what you paid for the property?

A No, I don't.

Q Have you dealt in real estate enough in Duval County and Starr County to know the value of ranch lands there?

A I have my own opinion.

Q You are able to form an opinion about value?

A I have my own ideas about value.

Q Have you formed any opinion about the value of the lands you actually purchased?

A I had a pretty good opinion, or I wouldn't have bought it.

Q How about the residence property, that has the house on it in Benavides?

A What do you mean?

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- Q What is the value of that?
- A I don't know off-hand. I would have to have it appraised.  
I know very little about houses.
- Q The value of the sixty-nine hundred dollars plus ten shares of stock, is that right?
- A That's what I gave for it.
- Q What value did you put on the - - -
- A Ten shares of stock and the difference on the car.
- Q What value did you put on the bank stock at that time?
- A Cost.
- Q What was your cost?
- A I don't recall.
- Q Would the bank records show?
- A I'm sure they would. I don't have any idea off-hand.
- Q Did you have the house in Benavides appraised?
- A No, sir.
- Q The truth of the matter is, Mr. Manges, you were more interested in buying a house from Judge Carrillo than you were in getting a place to live, isn't that right?
- A Certainly not. I wanted a house.
- Q But you haven't moved in it?
- A I intended to.
- Q And you don't know what it cost?
- A It was worth ten shares of stock and the difference on the car when I bought it.

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Q But you don't know what the stock was worth?

A Cost.

Q But what was it worth?

A I don't know. That's three or four years ago now. I don't keep that in mind constantly. And according to you I deal all over the country.

Q But you know what you paid for the bank stock, don't you?

A I don't have any idea. I am sure my records show that.

Q The bank records wouldn't?

A Not necessarily. I don't know.

Q Well, unless I can get the information from you, I wouldn't know where to get it.

A I wouldn't either.

Q And I think it is important on this particular - - -

A Mr. Church can probably get the cost of it for you. I just don't recall now.

Q Did Mr. Church handle the purchase of the bank stock for you?

A I don't remember how that was handled, Mr. Smith. There were two or three different purchases, and I don't remember how they were handled.

Q At the time you bought the house in Benavides, did you get a guaranteed title policy?

A I don't know. Mr. Hendrix can tell you -- he handled it.

Q He has your authority to let us see the guaranteed title

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00072  
policy, if there is one?

A As far as I know. He can give you information on the house.

Q Now, going to the lease with Judge Carrillo. Do you have a copy of that lease?

A I don't know if one was ever drawn up or not. Mr. Hendrix handled that too.

Q Do you recall whether it was oral or written?

A We discussed it with Mr. Hendrix and asked him to draw it up.

Q Do you recall if you signed one?

A I don't think I did. I don't recall signing one.

Q Who initiated the negotiations about the lease, you or Judge Carrillo?

A As I recall at the time, Mr. Smith, I ran into Judge Carrillo here in Rio Grande City, and he asked if I was grazing the property I bought. I said no, that I intended to clear it all and put it in permanent grass. He said he had cattle up there, and it was very dry and he wanted to lease some of it for them.

Q Did you make a short-term lease at that time?

A I think on one tract of about fourteen hundred acres, I let him have it for two or three weeks. Then I had a chance to sell that, and I went and told him. He said he was in a bind with the cattle, because it was so dry



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up there. So I said I had five or six hundred acres up on what they call the Jackass Flat country that I could lease him. I mean five or six thousand.

Q On that first lease, what did you charge him for the rental?

A I think for that I just let him use it as a courtesy. I don't recall.

Q Did he accept your proposition on the larger tract of five thousand acres?

A Yes, sir.

Q And is that what you made your lease arrangement on?

A Yes, sir.

Q Am I correct that it was a lease for three years?

A Yes, sir, three years, or when I got to the point of clearing it.

Q And how much acreage?

A Five or six thousand acres, as I estimate it.

Q And what was the consideration? Was it per acre?

A Yes, sir, as I remember it was. Mr. Hendrix will have that. We discussed it in his office.

Q How was the rent payable?

A I could take it in money when I got the land cleared -- in cattle or in money.

Q What was the date of the beginning of that three-year period?

A I don't recall. Mr. Hendrix will have that.

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- Q And the term would, of course, would be three years after the beginning date?
- A Or sooner if I needed it for clearing.
- Q You have a condition in there - - -
- A If I needed it, he would give possession.
- Q On request?
- A On request. That was the understanding with him. I don't know if it was put in the memorandum or not.
- Q And I believe you said he would pay you in money or in cattle?
- A Yes.
- Q What arrangement did you make about appraising the value of the cattle?
- A I'm sure it would be market value. It wasn't discussed. Whatever they would bring at the time.
- Q Who would select the cattle? Would you select them, or would he cull them out?
- A That point I wasn't concerned about at the time. We could settle that when the time came.
- Q What was the dollars and cents value, say per month, or per year - - -
- A Mr. Hendrix will have the terms on that memorandum.
- Q You don't have any recollection of it at all?
- A I think it was a dollar an acre per year, I'm not sure. That was two or three years ago.

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Q But that is the best of your recollection?

A Yes, sir.

Q You didn't have any kind of arrangement whereby if you had any disagreement as to the cattle - - -

A Oh, that's nit-picking. I would hate to have that kind of agreement.

Q In other words, you didn't have any of those things in the agreement?

A No.

Q No agreement of any kind in the lease as to how you would choose the cattle, if you took cattle as a consideration for the lease?

A No.

Q Have you made any other leases of any ranch lands with any other parties?

A Yes, sir.

Q Any in Starr County?

A Yes, sir.

Q Who were some of those made to?

A One man, I think, is Garza. I don't remember exactly. I think he was a dollar an acre, and I think possibly it could have been written, I don't remember exactly. Some man was leasing it at the time, and I let him stay on.

Q In other words, he was an existing tenant?

A Yes. And then a guy named Steve, I let him have some.

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Q A new tenant?

A Yes, sir.

Q What were the terms with him?

A I don't remember exactly the details. I would move him out when I got to clearing also.

Q That same condition?

A Yes, sir.

Q Were there any other leases?

A Yes, I think one or two more verbal deals. I think a Mr. Gonzalez, he had some cattle on there.

Q What were the terms of his lease?

A I think the same way -- when I wanted to clear it, he would give possession.

Q Would that be written?

A No, sir.

Q Would Mr. Hendrix have that?

A No, sir.

Q You made that direct?

A No, sir, my brother did, up at Freer.

Q That would be - - -

A Don.

Q He is the one named Don, and there is one named Dan?

A Yes, sir.

Q Which was the oldest brother?

A Dan.

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Q Which one is a director of the bank?

A Both of them are now.

Q Could you give us a description of approximately where this lease is to Judge Carrillo, this five or six thousand acres?

A All I know it by is Jackass Flats. Mr. Hendrix will have the description.

Q Where is it located?

A Would be northwest of Rio Grande City.

Q About how many miles?

A I imagine twelve, fourteen, fifteen miles. I don't know exactly.

Q Does Judge Carrillo have any adjoining land?

A I couldn't tell you.

MR. SMITH: Your Honor, I believe that's all.

But I think we would like, while Mr. Richmond is here, to see if he knows what the value of that bank stock is.

MR. CHURCH: You don't have any more questions of Mr. Manges?

MR. SMITH: No, we pass the witness.

A I don't know whether - - - Mr. Smith, I think we will have to get that from my accountant. I truthfully don't remember.

MR. SMITH: Mr. Richmond, do you know?

MR. RICHMOND: I don't know, no, sir.

(Witness excused.)

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not exist. I realize he is asking the Court to take judicial knowledge of facts, but these are facts which do not exist. Mr. Hendrix handled the receivership after January 1, 1971. As I understand it, when they report the sale originally, that recites the sales price. But Mr. Manges had advanced funds on behalf of the partnership, and as I understand it that report shows there wasn't anything due by Mr. Manges at the time he got the deed. But what he is saying is entirely different. He recites a fact which does not exist. That's what I complain about. He is making up the facts, and wants the Court to take judicial notice of them.

MR. SMITH: We don't have any objection to putting in there the pleading that shows that. It's about half an inch thick. All we want to show from it is that he didn't pay for it when he got it.

MR. CHURCH: But it shows in the report that he paid all these other items. He says he didn't pay anything. No, he paid it before, maybe a year before. But he doesn't want to tell the Court exactly what is correct.

MR. SMITH: I have told the Court he assumed partnership obligations and that he still owes a balance, and I take that information from the report of the Receiver.

MR. CHURCH: He tells the Court that Manges paid nothing, and now he says he "assumed." And there wasn't

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anything due for two years, like he says.

MR. SMITH: Well, we will offer the pleading in evidence, if the Court wants it.

THE COURT: I expect you had better.

MR. SMITH: All right, we will offer the final report - - -

MR. CHURCH: You are talking about getting the Court to take judicial knowledge things in January, 1971. That's the report you want in evidence. That's the one you - - -

MR. SMITH: What we are offering is the final report of the Receiver, showing Manges still owes some \$94,000.00.

MR. CHURCH: We will stipulate that he owed, or owes, \$94,000.00, but it didn't come from the purchase price - - -

MR. SMITH: Of course the land is the only thing he purchased. We will offer a copy of that report as a Court exhibit.

Now No. 10. "Although Judge Carrillo on March 17, 1971 signed an order authorizing and directing the Receiver to sell real estate and convey partnership lands in partial distribution and dissolution of M. Guerra & Son, specifying that the conveyance of certain lands to defendant R. R. Guerra 'be made free and clear of all liens and encumbrances against same,' R. R. Guerra was delayed until August 20,

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"1971 and required to raise the cash difference to pay the Receiver the full purchase price in cash (over and above allowances due R. R. Guerra from the partnership.)" Now this, your Honor, is one of the things we complain of in not having a fair and impartial Judge. Manges did not have to come up with the \$94,000.00 to get his. But they sweated R. R. Guerra for six months, and then made him turn up with the money. We will show the amount he had to raise after that delay to get his land. That's in the record.

MR. CHURCH: The record will speak for itself just fine. Now, he says Mr. Guerra was delayed. He has had possession of his acreage since 1968, before we ever filed this suit. He has had it in his possession from the very beginning. The Receiver never stepped foot on his acreage, and yet he says the Judge was partial by giving a deed to Manges and wouldn't give one to this man at the same time.

MR. SMITH: I say he was not impartial because he made the requirement of the parties, yes, and then after all parties agreed they would let Manges have his, then Manges welched and wouldn't agree they get theirs. They sweated them for six months more.

MR. CHURCH: I think the record will show what happened. First he says Manges did pay something, and



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then he says he didn't. Mr. Manges paid his money out before they ever got to this deed. These people didn't pay anything before they got their deeds. I think the Receiver's report will show the reasons for the delay.

THE COURT: Well, I'll look the report over.

MR. SMITH: Your Honor, every one of these partners who withdrew land assumed certain partnership debts, and got credit — Manges did, R. R. Guerra did, H. P. Guerra, and I think Virgil Guerra also. The Receiver's report will show that.

THE COURT: The Court can take judicial notice of papers in the case, what the reports show - - -

MR. CHURCH: I didn't want this - - - I just didn't want to be in the attitude of agreeing to what Mr. Smith says are facts, and are not facts.

MR. SMITH: Well, I will stay here until I get every paper that will prove these things. If there is any doubt in the Judge's mind, we will stay - - -

THE COURT: Well, there is no use to put them in evidence. If they are filed, they are a record in the case, and the Court will take judicial notice of them.

MR. CHURCH: If they exist in the record, and not as Mr. Smith says. That's all I ask.

THE COURT: Well, it will be up to me to look them over.

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MR. SMITH: All right, that concludes our first motion. Now the second motion is that the defendants ask the Court to take judicial notice of the following:

(Reading:) "1. That the stock in the First State Bank & Trust Company of Rio Grande City standing in the name of M. Guerra & Son, or in the name of any of the partners for the benefit of the firm, as of October 11, 1968, constituted a part of the assets of M. Guerra & Son placed in custodia legis when this Court appointed a Receiver on October 11, 1968." I see no reason for us to argue that all over again. We say they were in custodia legis, and he says not.

MR. CHURCH: I don't agree that they were owned by M. Guerra & Son. They may have been in that name, but - - - I would like to ask Mr. Smith to take the stand and testify about Mr. Anderson's testimony in Federal Court - - -

MR. SMITH: I will make a statement on that. First, I believe he is trying to mislead the Judge on the date of that. That did not happen in 1971. We had a hearing in Federal Court, and it was about six months, I guess, before the end of 1970, and I really think it was actually 1969. No one ordered a record in that case. It was oral testimony. Frankly I thought I had notes on that, and I searched the file, and if I ever took notes, I didn't keep

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them. But when we settled for M. A. Guerra it had been, I thought, six months, maybe a year since the last hearing in Federal Court. Frankly, I don't question that Mr. Anderson testified to that. But I did not have it in my files, and the only way to get it before this Court was for him to testify.

Now No. 2. "Except for the approval on or about February 1, 1971 of the transfer of 40 shares of stock in said First State Bank and Trust Company to Clinton Manges, the Court has not approved the transfer of any other stock in said bank so held by M. Guerra & Son, or for its benefit, to Clinton Manges or any other person." Now, that is asking the Court to make a negative finding, which is from the records. I searched the record through, and find absolutely no order where the Court approved any transfers of stock from the name of M. Guerra & Son except for those 40 shares.

MR. CHURCH: I think we can stipulate that. The Receiver says he got 40 shares, and sold 40 shares. I don't think he ever had any other shares.

MR. SMITH: Now the rest of these are matters of common knowledge. I will just read it to the Court.

"These defendants further move the Court to take judicial notice of matters and facts which are common knowledge, as follows:

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"3. That the government of Starr County is now and has been for more than a decade, controlled by a political machine."

THE COURT: Well, I don't believe I can take judicial knowledge of that.

MR. CHURCH: And we would object to 3, 4 and 5 of that section, because they are not matters of common knowledge. They are not facts.

THE COURT: Well, let me read them for myself and see what they are.

MR. CHURCH: Well, it's just a smear against Starr County.

(Such motion was handed to and read the Court.)

MR. SMITH: I think these are matters of common knowledge. Everybody who is in a law suit here knows it, everybody on the streets in this town knows it, and Bill Church knows.

MR. CHURCH: I will plead ignorance. I don't know it.

THE COURT: Well, I will have to overrule you on common knowledge of 3, 4 and 5.

MR. SMITH: Note our exception, your Honor. I think it is known by everybody in the Rio Grande Valley, known to the appellate Courts, I know it, lawyers know it,

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Aunt Susie knows it, and I think the Court judicially knows it, and we take our exception.

THE COURT: I don't know it, myself.

MR. SMITH: Now there is one other question that is up in a cloud here, and we may have to call Mr. Manges on it. Maybe he can give us a few answers.

THE COURT: All right, put him on.

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CLINTON MANGES,

Plaintiff herein, called as a witness by the defendants, being previously sworn, testified as follows:

EXAMINATION BY MR. SMITH:

Q You were here this morning and heard Mr. Anderson's testimony?

A Yes, sir.

Q Excuse me, you are Clinton Manges, the plaintiff in this case?

A That's right.

Q And you have been previously sworn in this case?

A Yes, sir.

Q When that increase in the capital structure of the bank came about in February, I believe, of 1972 - - - is that

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when they increased the capital?

A Whatever the date was. I don't recall.

Q All right, whatever he stated. The number of shares was increased from one thousand to seven thousand shares, is that right?

A I think that's right.

Q Frankly, here is what I want to clear up, and maybe you can answer it. Mr. McKinney and I had a different interpretation of what Mr. Anderson said. We didn't know whether he testified that you had a seven to one stock split without adding any additional capital to the bank, or whether you just sold six thousand new shares at a hundred dollars a share?

A I'll clear it up. The Banking Commission wanted us to increase the capital over there, is what I understand they said. At the stockholders meeting everyone agreed to increase the cash capital. They voted to increase the cash capital, and everyone who held stock could have six additional shares for it if they wanted to exercise their option. Only two or three did exercise their option. If they didn't buy it, the other stockholders had a right.

Q There were quite a few of them who assigned their options to you, according to his testimony, and from what you have said, when those stockholders decided not to exercise their option and released their option to you, you would be ob-

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ligated to pay an additional hundred dollars for each share you took under those options?

A That's right. And I didn't have to take it, and if I didn't, anyone else had a right to.

Q But on the ones you did take, did you put up an additional hundred dollars for each option share?

A As far as I know I did. I think it was a hundred dollars for the increased cash capital.

Q Was there any objection to that from people who owned the original shares and who did not exercise the option?

A I don't know whether there was any objection or not.

Q Were you at the Board meeting where this matter was decided?

A No, I wasn't. This was at the request of the Banking Commissioner.

Q I understand. We just didn't understand how this was done. Do you recall how much total cash you put up for the options you bought?

A No, sir, sure don't. I don't know how many shares I bought.

Q Can you give us an approximation?

A No, sir, I wouldn't attempt to.

Q I believe the records indicate you now own something like fifty-six hundred and some shares, something like that?

A Whatever the record shows.

Q For each of those shares you now own, you would have put up a hundred dollars a share, except for the roughly one-

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seventh, is that right? 00088

A As far as I know, that was the price.

Q The way I figured it out, if you owned 560 shares, that would have run roughly about \$360,000.00. Does that refresh your memory?

A No.

Q You don't have any idea?

A No, sir.

Q Now, Judge Carrillo testified, and you didn't seem to remember, that he considered the value of the 10 shares he bought at the time he made that lot transaction with you, as being \$743.00 a share. Does that refresh your memory?

A Whatever price I paid. I don't know.

Q Would you say that was close to the book value at that time?

A I don't have any idea what it was.

Q You wouldn't have any reason to believe Judge Carrillo was giving any false information?

A None whatsoever.

Q There was nothing about that figure that shocks you as being out of line?

A I'm not shocked at anything.

Q That figure is in the ball park, you would say?

A Could be, as far as I know. I don't have any idea.

MR. SMITH: Well, I believe that's all, your Honor.



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MR. CHURCH: I have no questions.

(Witness excused.)

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THE COURT: Is there any further testimony?

MR. SMITH: I believe that's all the testimony,  
at least at this time, your Honor.

MR. CHURCH: We have nothing, your Honor. We  
close.

MR. SMITH: Your Honor, there is one other  
thing we may want to present. We may want to find the  
- - - first, the information as to the property that Judge  
Carrillo actually intended to convey to Mr. Manges in ex-  
change for this property. We came prepared on the only  
thing that was on the records, which is the only things we  
could find for a clue. And now since it has turned out to  
be a different property, we do want to look at the property  
that was actually conveyed. We will get the information on  
that and submit it to Mr. Church, and maybe we can stipu-  
late what it was.

MR. CHURCH: I will be glad to show him a deed  
that Judge Carrillo says he intended to convey, covering  
other property. I will be glad to get him a copy of a  
corrected deed.

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1 IN THE MATTER OF IN THE DISTRICT COURT  
2 PROCEEDING OF STATE JUDICIAL OF DUVAL COUNTY, TEXAS  
3 QUALIFICATIONS COMMISSION NO. 5 229th JUDICIAL DISTRICT  
4

5 DEPOSITION OF RAMIRO D. CARRILLO  
6

7 taken on the 21st day of October, 1975, beginning at  
8 10:55 a.m. in the County Law Library, Duval County Annex  
9 Building, San Diego, Texas, before Walter H. Hickman,  
10 a Notary Public in and for Travis County, Texas, pursuant  
11 to Order of the 229th Judicial District Court, a copy of  
12 which is attached hereto, and the following proceedings  
13 were reported by Hickman Reporting Service, 504 Travis  
14 Building, Austin, Texas 78701.  
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HICKMAN REPORTING SERVICE

THE QUALITY REPORTERS  
Austin, Texas 476-5363

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APPEARANCES

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FOR THE COMMISSION:

MESSRS. JOHN ODAM and MAX FLUSCHE, Assistant  
Attorneys General, Hearing Examiners, Supreme Court  
Building, Austin, Texas 78701

FOR THE RESPONDENT, RAMIRO D. CARRILLO:

MR. ARTHUR MITCHELL, Mitchell, George and Be  
1122 Colorado, Austin, Texas 78701

EXHIBITS

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Ident

1 Subpoena

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STIPULATION

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IT IS STIPULATED AND AGREED by and between  
counsel for the respective parties hereto that the  
deposition of the witness, RAMIRO D. CARRILLO, may be  
taken at this time and place before Walter H. Hickman,  
a Notary Public in and for Travis County, Texas, with the  
same force and effect as if he were a Notary Public in  
and for Duval County, Texas.

1  
2 was called as a witness by the Commission and, being  
3 first duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. ODAM

6 Q Would you state your name and address for th  
7 record, please sir?

8 MR. MITCHELL: At this time, I have a  
9 motion, Mr. Hickman.

10 First of all, I am going to move to quash, t  
11 strike the subpoena on the following grounds:

12 One, the same is constitutionally vague, ind  
13 nite and overly broad. It violates the search and sei  
14 provisions of the United States and State Constitution  
15 along with the constitutional rights of due course of  
16 law and due process.

17 In addition, the motion to quash and to stri  
18 the subpoena is based on the grounds that the same is  
19 void, having been served on Sunday.

20 In addition, the motion to quash and/or stri  
21 the subpoena is based upon the fact that there is no  
22 power existant to issue the same in that the Order und  
23 lying the issuance of the subpoena is improperly issue  
24 vague, indefinite, and violates the rules governing th  
25 same.

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1 In addition, the procedure is void and the  
2 Order and subpoena emitting from the procedure is void  
3 in that the procedure violates the rules promulgated as  
4 to the Amended Notice of Formal Hearing as to the right  
5 of the official here, Ramiro D. Carrillo, not to be  
6 subpoenaed and not to be required to testify against  
7 himself, as well as the fact that the deposition is taken  
8 before appearance day violates the rules of notice as  
9 provided in the rules governing the taking of the same  
10 and the rules of procedure, as well as this official  
11 retains his right to stand upon his motions in limine  
12 and motions to disqualify to be filed on appearance date  
13 herein.

14 I think it is proper that I make of record our  
15 position as regards the subpoena and the Order and,  
16 Commissioner Carrillo, in line with that, I will instruct  
17 you not to answer any questions other than your name and  
18 your occupation. I will permit, of course, Mr. Odam to put  
19 the questions to you and you will answer the questions  
20 specifically only as to claiming your right of self-  
21 incrimination along with the three other rights, and I  
22 will follow in behind each answer with my statement. Do  
23 you understand that?

24 A Yes, sir.

25 MR. MITCHELL: You are not, for the record,

1 appearing here voluntarily for any purposes.

2 A I am not.

3 MR. MITCHELL: You may continue, Mr. Odam  
4 if you would like.

5 BY MR. ODAM

6 Q Would you please state your full name for the  
7 record?

8 A Ramiro D. Carrillo. "D" is for David.

9 Q Mr. Carrillo, would you please state by whom  
10 you are employed?

11 A I respectfully decline and refuse to answer the  
12 question put to me by the Commission on the grounds that  
13 the answer might tend to incriminate me. I claim this  
14 right under the provisions of the Fifth Amendment, the  
15 Constitution of the United States, and Article I, Section  
16 10, Constitution of Texas.

17 MR. MITCHELL: I am instructing the witness  
18 not to answer the question on the grounds it is immaterial  
19 and irrelevant and beyond the legitimate scope of the  
20 rules governing the taking of the deposition, and it goes  
21 beyond the scope of the formal notification.

22 I am instructing my client not to answer on the  
23 grounds there is no lawful right to depose him as to the  
24 time of taking the deposition; that is, the same being  
25 taken as it is prior to the appearance date, there not

1 being ample notice as required by the statute of the  
2 taking, there being no power to issue the subpoens and/or  
3 the Order for the taking. There is no right in the  
4 Attorney General to act as the Examiner, and the same  
5 should be taken only in any event subject to all of the  
6 pless in abatement, special exceptions, motions in limine  
7 to be filed by the attorney representing Ramiro Carrillo  
8 on appearance date.

9 Q Mr. Carrillo, would you please state for the  
10 record whether or not you are a County Commissioner of  
11 Duval County, Texas?

12 A I respectfully decline and refuse to answer the  
13 question put to me by the Commission on the grounds that  
14 the answer might tend to incriminate me. I claim this  
15 right under the provisions of the Fifth Amendment, the  
16 Constitution of the United States, and Article I, Section  
17 10, Constitution of Texas.

18 MR. MITCHELL: I am instructing the witness  
19 not to answer the question on the grounds it is immaterial  
20 and irrelevant and beyond the legitimate scope of the  
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4 the Order for the taking. There is no right in the  
5 Attorney General to act as the Examiner, and the same  
6 should be taken only in any event subject to all of the  
7 pleas in abatement, special exceptions, motions in limine  
8 to be filed by the attorney representing Ramiro Carrillo  
9 on appearance date.

10 Q Would you please state whether or not you are  
11 the brother of one O. P. Carrillo?

12 A I respectfully decline and refuse to answer the  
13 question put to me by the Commission on the grounds that  
14 the answer might tend to incriminate me. I claim this  
15 right under the provisions of the Fifth Amendment, the  
16 Constitution of the United States, and Article I, Section  
17 10, Constitution of Texas.

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25 time of taking the deposition; that is, the same being

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2 being ample notice as required by the statute of the  
3 taking, there being no power to issue the subpoena and/or  
4 the Order for the taking. There is no right in the  
5 Attorney General to act as the Examiner, and the same  
6 should be taken only in any event subject to all of the  
7 pleas in abatement, special exceptions, motions in limine  
8 to be filed by the attorney representing Ramiro Carrillo  
9 on appearance date.

10 Q Do you know whether or not one O. P. Carrillo  
11 did obtain groceries for his own personal use and benefit  
12 from The Cash Store, Benavides, Texas, during the period  
13 January 1, 1970, until May, 1975?

14 A I respectfully decline and refuse to answer the  
15 question put to me by the Commission on the grounds that  
16 the answer might tend to incriminate me. I claim this  
17 right under the provisions of the Fifth Amendment, the  
18 Constitution of the United States, and Article I, Section  
19 10, Constitution of Texas.

20 MR. MITCHELL: I am instructing the witness  
21 not to answer the question on the grounds it is immaterial  
22 and irrelevant and beyond the legitimate scope of the  
23 rules governing the taking of the deposition, and it goes  
24 beyond the scope of the formal notification.

25 I am instructing my client not to answer on the

1 grounds there is no lawful right to depose him as to the  
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5 taking, there being no power to issue the subpoena and/or  
6 the Order for the taking. There is no right in the  
7 Attorney General to act as the Examiner, and the same  
8 should be taken only in any event subject to all of the  
9 pleas in abatement, special exceptions, motions in limine  
10 to be filed by the attorney representing Ramiro Carrillo  
11 on appearance date.

12 Q Do you know whether or not O. P. Carrillo did  
13 charge groceries to his personal account at The Cash Store  
14 between January 1, 1971, and May, 1975?

15 A I respectfully decline and refuse to answer the  
16 question put to me by the Commission on the grounds that  
17 the answer might tend to incriminate me. I claim this  
18 right under the provisions of the Fifth Amendment, the  
19 Constitution of the United States, and Article I, Section  
20 10, Constitution of Texas.

21 MR. MITCHELL: I am instructing the witness  
22 not to answer the question on the grounds it is immaterial  
23 and irrelevant and beyond the legitimate scope of the  
24 rules governing the taking of the deposition, and it goes  
25 beyond the scope of the formal notification.

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1 I am instructing my client not to answer on the  
2 grounds there is no lawful right to depose him as to the  
3 time of taking the deposition; that is, the same being  
4 taken as it is prior to the appearance date, there not  
5 being ample notice as required by the statute of the  
6 taking, there being no power to issue the subpoena and/or  
7 the Order for the taking. There is no right in the  
8 Attorney General to act as the Examiner, and the same  
9 should be taken only in any event subject to all of the  
10 pleas in abatement, special exceptions, motions in limine  
11 to be filed by the attorney representing Ramiro Carrillo  
12 on appearance date.

13 Q Would you please state whether or not you on  
14 any occasion during the period stated, that being January 1,  
15 1971, to May, 1975, did ever charge groceries to the per-  
16 sonal account of O. P. Carrillo at The Cash Store in  
17 Benavides?

18 A I respectfully decline and refuse to answer the  
19 question put to me by the Commission on the grounds that  
20 the answer might tend to incriminate me. I claim this  
21 right under the provisions of the Fifth Amendment, the  
22 Constitution of the United States, and Article I, Section  
23 10, Constitution of Texas.

24 MR. MITCHELL: I am instructing the witness  
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1 and irrelevant and beyond the legitimate scope of the  
2 rules governing the taking of the deposition, and it goes  
3 beyond the scope of the formal notification.

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6 time of taking the deposition; that is, the same being  
7 taken as it is prior to the appearance date, there not  
8 being ample notice as required by the statute of the  
9 taking, there being no power to issue the subpoena and/or  
10 the Order for the taking. There is no right in the  
11 Attorney General to act as the Examiner, and the same  
12 should be taken only in any event subject to all of the  
13 pleas in abatement, special exceptions, motions in limine  
14 to be filed by the attorney representing Ramiro Carrillo  
15 on appearance date.

16 Q Do you know whether or not Judge O. P. Carrillo  
17 on occasions between January 1, 1971, and May, 1975, did  
18 ever instruct Patricio Garza or Tomas Elizondo or Robert  
19 Elizondo to pick up groceries at The Cash Store for the  
20 personal use and benefit of O. P. Carrillo and charge  
21 such groceries to the account of O. P. Carrillo?

22 A I respectfully decline and refuse to answer the  
23 question put to me by the Commission on the grounds that  
24 the answer might tend to incriminate me. I claim this  
25 right under the provisions of the Fifth Amendment, the

00102

1 Constitution of the United States, and Article I, Section  
2 10, Constitution of Texas.

3 MR. MITCHELL: I am instructing the witness  
4 not to answer the question on the grounds it is immaterial  
5 and irrelevant and beyond the legitimate scope of the  
6 rules governing the taking of the deposition, and it goes  
7 beyond the scope of the formal notification.

8 I am instructing my client not to answer on the  
9 grounds there is no lawful right to depose him as to the  
10 time of taking the deposition; that is, the same being  
11 taken as it is prior to the appearance date, there not  
12 being ample notice as required by the statute of the  
13 taking, there being no power to issue the subpoena and/or  
14 the Order for the taking. There is no right in the  
15 Attorney General to act as the Examiner, and the same  
16 should be taken only in any event subject to all of the  
17 pleas in abatement, special exceptions, motions in limine  
18 to be filed by the attorney representing Ramiro Carrillo  
19 on appearance date.

20 Q On any occasion did you, Ramiro Carrillo, on  
21 any occasion between January 1, 1971, and May, 1975, ever  
22 instruct Patricio Garza, Tomas Elizondo, or Roberto  
23 Elizondo to pick up groceries at The Cash Store for the  
24 personal use and benefit of O. P. Carrillo and charge  
25 such groceries to the account of O. P. Carrillo?

00103

1           A       I respectfully decline and refuse to answer the  
2 question put to me by the Commission on the grounds that  
3 the answer might tend to incriminate me. I claim this  
4 right under the provisions of the Fifth Amendment, the  
5 Constitution of the United States, and Article I, Section  
6 10, Constitution of Texas.

7                   MR. MITCHELL: I am instructing the witness  
8 not to answer the question on the grounds it is immaterial  
9 and irrelevant and beyond the legitimate scope of the  
10 rules governing the taking of the deposition, and it goes  
11 beyond the scope of the formal notification.

12                   I am instructing my client not to answer on the  
13 grounds there is no lawful right to depose him as to the  
14 time of taking the deposition; that is, the same being  
15 taken as it is prior to the appearance date, there not  
16 being ample notice as required by the statute of the  
17 taking, there being no power to issue the subpoena and/or  
18 the Order for the taking. There is no right in the  
19 Attorney General to act as the Examiner, and the same  
20 should be taken only in any event subject to all of the  
21 pleas in abatement, special exceptions, motions in limine  
22 to be filed by the attorney representing Ramiro Carrillo  
23 on appearance date.

24           Q       Do you know whether or not O. P. Carrillo is  
25 the owner of the Borjas Ranch located in Duval County?

00104

1           A       I respectfully decline and refuse to answer the  
2 question put to me by the Commission on the grounds that  
3 the answer might tend to incriminate me. I claim this  
4 right under the provisions of the Fifth Amendment, the  
5 Constitution of the United States, and Article I, Section  
6 10, Constitution of Texas.

7                   MR. MITCHELL: I am instructing the witness  
8 not to answer the question on the grounds it is immaterial  
9 and irrelevant and beyond the legitimate scope of the  
10 rules governing the taking of the deposition, and it goes  
11 beyond the scope of the formal notification.

12                   I am instructing my client not to answer on the  
13 grounds there is no lawful right to depose him as to the  
14 time of taking the deposition; that is, the same being  
15 taken as it is prior to the appearance date, there not  
16 being ample notice as required by the statute of the  
17 taking, there being no power to issue the subpoena and/or  
18 the Order for the taking. There is no right in the  
19 Attorney General to act as the Examiner, and the same  
20 should be taken only in any event subject to all of the  
21 pleas in abatement, special exceptions, motions in limine  
22 to be filed by the attorney representing Ramiro Carrillo  
23 on appearance date.

24                   Q       Do you know whether or not O. P. Carrillo did  
25 on occasions between January 1, 1971, and May, 1975, ever



00105

1 furnish food for consumption at the Borjas Ranch to per-  
2 sons who were working on the Ranch?

3 A I respectfully decline and refuse to answer the  
4 question put to me by the Commission on the grounds that  
5 the answer might tend to incriminate me. I claim this  
6 right under the provisions of the Fifth Amendment, the  
7 Constitution of the United States, and Article I, Section  
8 10, Constitution of Texas.

9 MR. MITCHELL: I am instructing the witness  
10 not to answer the question on the grounds it is immaterial  
11 and irrelevant and beyond the legitimate scope of the  
12 rules governing the taking of the deposition, and it goes  
13 beyond the scope of the formal notification.

14 I am instructing my client not to answer on the  
15 grounds there is no lawful right to depose him as to the  
16 time of taking the deposition; that is, the same being  
17 taken as it is prior to the appearance date, there not  
18 being ample notice as required by the statute of the  
19 taking, there being no power to issue the subpoena and/or  
20 the Order for the taking. There is no right in the  
21 Attorney General to act as the Examiner, and the same  
22 should be taken only in any event subject to all of the  
23 pleas in abatement, special exceptions, motions in limine  
24 to be filed by the attorney representing Ramiro Carrillo  
25 on appearance date.

00106

1 Q Did you ever have occasion between January 1,  
2 1971, and May, 1975, to furnish food for consumption on  
3 the Borjas Ranch to persons who were working on that Ranch?

4 A I respectfully decline and refuse to answer the  
5 question put to me by the Commission on the grounds that  
6 the answer might tend to incriminate me. I claim this  
7 right under the provisions of the Fifth Amendment, the  
8 Constitution of the United States, and Article I, Section  
9 10, Constitution of Texas.

10 MR. MITCHELL: I am instructing the witness  
11 not to answer the question on the grounds it is immaterial  
12 and irrelevant and beyond the legitimate scope of the  
13 rules governing the taking of the deposition, and it goes  
14 beyond the scope of the formal notification.

15 I am instructing my client not to answer on the  
16 grounds there is no lawful right to depose him as to the  
17 time of taking the deposition; that is, the same being  
18 taken as it is prior to the appearance date, there not  
19 being ample notice as required by the statute of the  
20 taking, there being no power to issue the subpoena and/or  
21 the Order for the taking. There is no right in the  
22 Attorney General to act as the Examiner, and the same  
23 should be taken only in any event subject to all of the  
24 pleas in abatement, special exceptions, motions in limine  
25 to be filed by the attorney representing Ramiro Carrillo

00107

1 on appearance date.

2 Q Do you know whether or not during the period  
3 from January 1, 1971, until July of 1974, Francisco Ruiz  
4 was employed as a welder by the county of Duval?

5 A I respectfully decline and refuse to answer the  
6 question put to me by the Commission on the grounds that  
7 the answer might tend to incriminate me. I claim this  
8 right under the provisions of the Fifth Amendment, the  
9 Constitution of the United States, and Article I, Section  
10 10, Constitution of Texas.

11 MR. MITCHELL: I am instructing the witness  
12 not to answer the question on the grounds it is immaterial  
13 and irrelevant and beyond the legitimate scope of the  
14 rules governing the taking of the deposition, and it goes  
15 beyond the scope of the formal notification.

16 I am instructing my client not to answer on the  
17 grounds there is no lawful right to depose him as to the  
18 time of taking the deposition; that is, the same being  
19 taken as it is prior to the appearance date, there not  
20 being ample notice as required by the statute of the  
21 taking, there being no power to issue the subpoena and/or  
22 the Order for the taking. There is no right in the  
23 Attorney General to act as the Examiner, and the same  
24 should be taken only in any event subject to all of the  
25 pleas in abatement, special exceptions, motions in limine

00108

1 to be filed by the attorney representing Ramiro Carrillo  
2 on appearance date.

3 Q Do you know whether or not during the period  
4 from January 1, 1971, until July, 1974, Francisco Ruiz  
5 received a salary from the County of Duval in the amount  
6 of \$375 per month?

7 A I respectfully decline and refuse to answer the  
8 question put to me by the Commission on the grounds that  
9 the answer might tend to incriminate me. I claim this  
10 right under the provisions of the Fifth Amendment, the  
11 Constitution of the United States, and Article I, Section  
12 10, Constitution of Texas.

13 MR. MITCHELL: I am instructing the witness  
14 not to answer the question on the grounds it is immaterial  
15 and irrelevant and beyond the legitimate scope of the  
16 rules governing the taking of the deposition, and it goes  
17 beyond the scope of the formal notification.

18 I am instructing my client not to answer on the  
19 grounds there is no lawful right to depose him as to the  
20 time of taking the deposition; that is, the same being  
21 taken as it is prior to the appearance date, there not  
22 being ample notice as required by the statute of the  
23 taking, there being no power to issue the subpoena and/or  
24 the Order for the taking. There is no right in the  
25 Attorney General to act as the Examiner, and the same

00109

1 should be taken only in any event subject to all of the  
2 pleas in abatement, special exceptions, motions in limine  
3 to be filed by the attorney representing Ramiro Carrillo  
4 on appearance date.

5 Q Do you know whether or not Oscar Sanchez was  
6 paid a salary of \$275 per month as an employee of the  
7 County of Duval?

8 A I respectfully decline and refuse to answer the  
9 question put to me by the Commission on the grounds that  
10 the answer might tend to incriminate me. I claim this  
11 right under the provisions of the Fifth Amendment, the  
12 Constitution of the United States, and Article I, Section  
13 10, Constitution of Texas.

14 MR. MITCHELL: I am instructing the witness  
15 not to answer the question on the grounds it is immaterial  
16 and irrelevant and beyond the legitimate scope of the  
17 rules governing the taking of the deposition, and it goes  
18 beyond the scope of the formal notification.

19 I am instructing my client not to answer on the  
20 grounds there is no lawful right to depose him as to the  
21 time of taking the deposition; that is, the same being  
22 taken as it is prior to the appearance date, there not  
23 being ample notice as required by the statute of the  
24 taking, there being no power to issue the subpoena and/or  
25 the Order for the taking. There is no right in the

CG110

1 Attorney General to act as the Examiner, and the same  
2 should be taken only in any event subject to all of the  
3 pleas in abatement, special exceptions, motions in limine  
4 to be filed by the attorney representing Ramiro Carrillo  
5 on appearance date.

6 Q Do you know whether or not during the year 1971  
7 Oscar Sanchez received any compensation of any kind what-  
8 soever from O. P. Carrillo?

9 A I respectfully decline and refuse to answer the  
10 question put to me by the Commission on the grounds that  
11 the answer might tend to incriminate me. I claim this  
12 right under the provisions of the Fifth Amendment, the  
13 Constitution of the United States, and Article I, Section  
14 10, Constitution of Texas.

15 MR. MITCHELL: I am instructing the witness  
16 not to answer the question on the grounds it is immaterial  
17 and irrelevant and beyond the legitimate scope of the rules  
18 governing the taking of the deposition, and it goes beyond  
19 the scope of the formal notification.

20 I am instructing my client not to answer on the  
21 grounds there is no lawful right to depose him as to the  
22 time of taking the deposition; that is, the same being  
23 taken as it is prior to the appearance date, there not  
24 being ample notice as required by the statute of the  
25 taking, there being no power to issue the subpoena and/or

00111

1 the Order for the taking. There is no right in the  
2 Attorney General to act as the Examiner, and the same  
3 should be taken only in any event subject to all of the  
4 pleas in abatement, special exceptions, motions in limine  
5 to be filed by the attorney representing Ramiro Carrillo  
6 on appearance date.

7 Q Would you please state whether or not during the  
8 period 1971 Oscar Sanchez ever received any compensation  
9 whatsoever from you, Ramiro Carrillo?

10 A I respectfully decline and refuse to answer the  
11 question put to me by the Commission on the grounds that  
12 the answer might tend to incriminate me. I claim this  
13 right under the provisions of the Fifth Amendment, the  
14 Constitution of the United States, and Article I, Section  
15 10, Constitution of Texas.

16 MR. MITCHELL: I am instructing the witness  
17 not to answer the question on the grounds it is immaterial  
18 and irrelevant and beyond the legitimate scope of the  
19 rules governing the taking of the deposition, and it goes  
20 beyond the scope of the formal notification.

21 I am instructing my client not to answer on the  
22 grounds there is no lawful right to depose him as to the  
23 time of taking the deposition; that is, the same being  
24 taken as it is prior to the appearance date, there not  
25 being ample notice as required by the statute of the

00112

1 taking, there being no power to issue the subpoena and/or  
2 the Order for the taking. There is no right in the  
3 Attorney General to act as the Examiner, and the same  
4 should be taken only in any event subject to all of the  
5 pleas in abatement, special exceptions, motions in limine  
6 to be filed by the attorney representing Ramiro Carrillo  
7 on appearance date.

8 Q Do you know whether or not during the month of  
9 November, 1973, Tomas Elizondo was a bailiff in the 229th  
10 Judicial District Court?

11 A I respectfully decline and refuse to answer the  
12 question put to me by the Commission on the grounds that  
13 the answer might tend to incriminate me. I claim this  
14 right under the provisions of the Fifth Amendment, the  
15 Constitution of the United States, and Article I, Section  
16 10, Constitution of Texas.

17 MR. MITCHELL: I am instructing the witness  
18 not to answer the question on the grounds it is immaterial  
19 and irrelevant and beyond the legitimate scope of the rules  
20 governing the taking of the deposition, and it goes beyond  
21 the scope of the formal notification.

22 I am instructing my client not to answer on the  
23 grounds there is no lawful right to depose him as to the  
24 time of taking the deposition; that is, the same being  
25 taken as it is prior to the appearance date, there not



00113

1 being ample notice as required by the statute of the  
2 taking, there being no power to issue the subpoena and/or  
3 the Order for the taking. There is no right in the  
4 Attorney General to act as the Examiner, and the same  
5 should be taken only in any event subject to all of the  
6 pleas in abatement, special exceptions, motions in limine  
7 to be filed by the attorney representing Ramiro Carrillo  
8 on appearance date.

9 Q In the pleadings in this case there is reference  
10 made to a "backhoe" that was allegedly used. Since you  
11 are not a party to the case, if you would like, or if  
12 your counsel would like, I would describe it in greater  
13 detail since you might not have seen it, and if so, please  
14 let me know.

15 MR. MITCHELL: There is no need.

16 MR. ODAM: Okay.

17 BY MR. ODAM

18 Q In the pleadings in this Proceeding No. 5,  
19 there is reference to a backhoe that was allegedly used  
20 on the time and occasion in question as set forth in the  
21 pleadings. My question is whether or not you know whether  
22 this backhoe, as described in those pleadings, was the  
23 property of the Duval County Proclamation and Reclamation  
24 District?

25 A I respectfully decline and refuse to answer the

00114

1 question put to me by the Commission on the grounds that  
2 the answer might tend to incriminate me. I claim this  
3 right under the provisions of the Fifth Amendment, the  
4 Constitution of the United States, and Article I, Section  
5 10, Constitution of Texas.

6 MR. MITCHELL: I am instructing the witness  
7 not to answer the question on the grounds it is immaterial  
8 and irrelevant and beyond the legitimate scope of the  
9 rules governing the taking of the deposition, and it goes  
10 beyond the scope of the formal notification.

11 I am instructing my client not to answer on the  
12 grounds there is no lawful right to depose him as to the  
13 time of taking the deposition; that is, the same being  
14 taken as it is prior to the appearance date, there not  
15 being ample notice as required by the statute of the  
16 taking, there being no power to issue the subpoena and/or  
17 the Order for the taking. There is no right in the  
18 Attorney General to act as the Examiner, and the same  
19 should be taken only in any event subject to all of the  
20 pleas in abatement, special exceptions, motions in limine  
21 to be filed by the attorney representing Ramiro Carrillo  
22 on appearance date.

23 Q Do you know whether or not during the period  
24 from January 1, 1972, through September of 1973, Roberto  
25 Elizondo was paid the sum of \$225 per month from the Road

00115

1 and Bridge Fund of the treasury of the County of Duval?

2 A I respectfully decline and refuse to answer the  
3 question put to me by the Commission on the grounds that  
4 the answer might tend to incriminate me. I claim this  
5 right under the provisions of the Fifth Amendment, the  
6 Constitution of the United States, and Article I, Section  
7 10, Constitution of Texas.

8 MR. MITCHELL: I am instructing the witness  
9 not to answer the question on the grounds it is immaterial  
10 and irrelevant and beyond the legitimate scope of the  
11 rules governing the taking of the deposition, and it goes  
12 beyond the scope of the formal notification.

13 I am instructing my client not to answer on the  
14 grounds there is no lawful right to depose him as to the  
15 time of taking the deposition; that is, the same being  
16 taken as it is prior to the appearance date, there not  
17 being ample notice as required by the statute of the  
18 taking, there being no power to issue the subpoena and/or  
19 the Order for the taking. There is no right in the  
20 Attorney General to act as the Examiner, and the same  
21 should be taken only in any event subject to all of the  
22 pleas in abatement, special exceptions, motions in limine  
23 to be filed by the attorney representing Ramiro Carrillo  
24 on appearance date.

25 Q To your own personal knowledge, do you know

90116

1 whether or not during the period from January 1, 1972,  
2 through September, 1973, Roberto Elizondo attended classes  
3 at the McMahon Court Reporters School in Houston, Harris  
4 County, Texas?

5 A I respectfully decline and refuse to answer the  
6 question put to me by the Commission on the grounds that  
7 the answer might tend to incriminate me. I claim this  
8 right under the provisions of the Fifth Amendment, the  
9 Constitution of the United States, and Article I, Section  
10 10, Constitution of Texas.

11 MR. MITCHELL: I am instructing the witness  
12 not to answer the question on the grounds it is immaterial  
13 and irrelevant and beyond the legitimate scope of the  
14 rules governing the taking of the deposition, and it goes  
15 beyond the scope of the formal notification.

16 I am instructing my client not to answer on the  
17 grounds there is no lawful right to depose him as to the  
18 time of taking the deposition; that is, the same being  
19 taken as it is prior to the appearance date, there not  
20 being ample notice as required by the statute of the  
21 taking, there being no power to issue the subpoena and/or  
22 the Order for the taking. There is no right in the  
23 Attorney General to act as the Examiner, and the same  
24 should be taken only in any event subject to all of the  
25 pleas in abatement, special exceptions, motions in limine

00117

1 to be filed by the attorney representing Ramiro Carrillo  
2 on appearance date.

3 MR. ODAM: I would like to have Mr. Hickman  
4 mark as an exhibit to this deposition the subpoena which  
5 we referred to earlier that was served on Mr. Ramiro  
6 Carrillo as Commission Exhibit No. 1.

7 MR. MITCHELL: To be taken in connection  
8 with the Motion to Quash and not intended to waive any  
9 of the witness' positions as indicated by the record.

10 (The subpoena referred to was  
11 marked "COM-1" for identification  
and is attached hereto.)

12 MR. MITCHELL: I am agreeable to that  
13 procedure.

14 MR. ODAM: I have no further questions.  
15 Max, do you have any?

16 MR. FLUSCHE: No.

17 MR. MITCHELL: May this witness be excused?

18 MR. ODAM: Yes.

19 (Whereupon, at 11:00 o'clock a.m., the deposition  
20 was concluded.)

21 \_\_\_\_\_  
22 RAMIRO D. CARRILLO

23 SUBSCRIBED AND SWORN TO before the undersigned  
24 authority this \_\_\_\_\_ day of \_\_\_\_\_, 1975.

25 \_\_\_\_\_, Notary Public  
in and for Duval County, Texas

00118

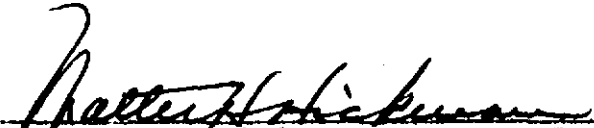
CERTIFICATE

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THE STATE OF TEXAS §  
  §  
COUNTY OF TRAVIS     §

I, Walter H. Hickman, a Notary Public in and for Travis County, Texas, do certify that on the 21st day of October, 1975, the deposition of the witness, RAMIRO D. CARRILLO, was taken before me and that the foregoing 28 pages constitute a full, true and correct transcription of my Stenograph notes.

GIVEN under my hand and seal of office this 24th day of October, 1975.

  
Walter H. Hickman, Notary Public  
in and for Travis County, Texas

00119

# THE STATE OF TEXAS

TO ANY SHERIFF OR ANY CONSTABLE OF THE STATE OF TEXAS, GREETING:

You are hereby Comanded that you Summon Ramiro Carrillo

of Benavides, Texas in Duval County, Texas, and who is represented to reside within one hundred miles of the Courthouse of Duval County, Texas, in which this suit is pending or who may be found within such distance at the time of trial, to be and appear before the Walter Rickman ~~of~~ his designated employee, a duly Notary Public in and for Travis County to be held at the County Courthouse ~~in~~ San Diego, in said County } \*forthwith, day of October, A. D. 1975, at 1:30 o'clock P. M., then and there to testify as a witness, in a certain cause now pending in said Court, styled In the Matter of Proceedings of State, ~~Qualifications Commission~~, Commission, No. 9270 on the docket of said Court, and that he bring with him and Compelling to produce in said Court, at said time and place, the below described books, records, papers and cancelled checks

desired before the Court in said cause, to-wit:

All books of account, records, papers, and cancelled checks pertaining to his business relationship with Benavides Implement and Hardware Company.

and there attend the Court from day to day, and from term to term, until lawfully discharged.

Issued this 17th day of October, 1975, and at the instance of State Judicial Qualifications Commission in said suit.

Herein Fail Not, but have you then and there before said Court this writ, with your return thereon, showing how you have executed the same.

Witness my official signature, at San Diego, on this the 17th day of October A. D. 1975.



885  
COM-1  
10-21-75 WWH

A. Salinas Clerk  
229th Judicial District Court  
Duval County  
By H.G. Gonzalez Deputy

\*Strike out to show forthwith or a specified date.

00120

Rules 176 and 178 require clerk to issue original, together with a copy, for each witness, and service by delivery of copy to witness. Any witness may accept service by signing memorandum to that effect attached to Subpoena.

Rule 177a authorizes a Subpoena Duces Tecum for the production of "books, papers, documents or tangible things designated therein." These should be listed and identified or described with reasonable certainty.

FEE

No. 9270

**SUBPOENA DUCES TECUM**  
(CIVIL)

In the Matter of Proceedings  
of State Qualifications  
Commission No. 5

vs.

Issued October 17th, 1975

A. Salinas  
Clerk

By *H.G. Gonzalez*  
H.G. Gonzalez  
Deputy

FOR SALE BY STANTON-JACKSON CO. FORT WORTH

(Signature of Witness and Date)

ACCEPTANCE OF SERVICE  
The undersigned witness named in the Subpoena on the opposite side herof acknowledges receipt of a copy thereof and here-  
by accepts and waives service of such Subpoena.

PPES—Summoning Witness \$ *Paul Jones*

Mileage Total \$ *Dwight*

County, Texas Deputy

I actually and necessarily traveled \_\_\_\_\_ miles in the service of this Subpoena, in addition to any other mileage I may have traveled in the service of other process in this cause during the same trip.

Not executed as to the witness named in this Subpoena for the following reasons:

NAME	TIME				PLACE, AND COURSE AND DISTANCE FROM COURT HOUSE	MILEAGE
	Month	Day	Year	Hour		
<i>Walter D. Smith</i>	<i>11</i>	<i>19</i>	<i>75</i>	<i>11:15</i>		

Came to hand the Subpoena in person to the within named witness at the following time and place, to-wit: *11:15 A.M., 10/19/75 at 2115*

OFFICER'S RETURN

A. D. 1975, at \_\_\_\_\_ o'clock, M., and executed by *H.G. Gonzalez*



00121

INQUIRY CONCERNING A JUDGE	X	BEFORE THE STATE JUDICIAL
	X	
NO. 5	X	QUALIFICATIONS COMMISSION,
	X	
	X	STATE OF TEXAS

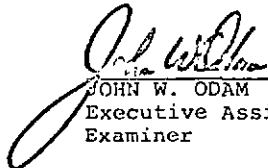
NOTICE OF INTENTION TO TAKE  
ORAL DEPOSITIONS

Notice is hereby given to the Honorable O. P. Carrillo that the State Judicial Qualifications Commission intends to take the deposition of a witness, Mr. Ramiro Carrillo, who resides in Benavides, Texas, on Tuesday, October 21, 1975 at 9:00 o'clock a.m. in the County Court House Annex in the City of San Diego, Duval County, Texas. A subpoena duces tecum will be issued, compelling Ramiro Carrillo then to produce all books of account, records, papers and cancelled checks pertaining to his business relationship with Benavides Implement and Hardware Company.

This notice is given under the provisions of Rule 200, Texas Rules of Civil Procedure, and in accordance with the provisions of such rule, notice is made by serving such notice upon the attorney of record for O. P. Carrillo, Mr. Arthur Mitchell, 315 Westgate Building, Austin, Texas 78701.

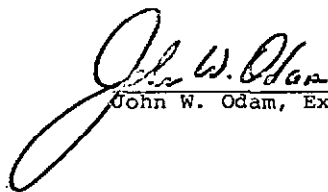
Respectfully submitted,

JOHN L. HILL  
Attorney General of Texas

  
\_\_\_\_\_  
JOHN W. ODAM  
Executive Assistant Attorney General  
Examiner

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Intention to Take Oral Deposition has been served on Arthur Mitchell, Attorney of record for O. P. Carrillo, by the delivery of such copy by hand to the office of Mr. Arthur Mitchell, 315 Westgate Building, Austin, Texas, 78701, on this the 9th day of October, 1975.

  
\_\_\_\_\_  
John W. Odam, Examiner

E/P-11

00122

INQUIRY CONCERNING A JUDGE X BEFORE THE STATE JUDICIAL  
NO. 5 X QUALIFICATIONS COMMISSION,  
X STATE OF TEXAS

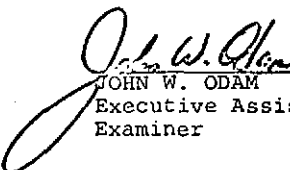
NOTICE OF INTENTION  
TO TAKE ORAL DEPOSITIONS

Notice is hereby given to the Honorable O. P. Carrillo that the State Judicial Qualifications Commission intends to take the deposition of said O. P. Carrillo on Monday, October 20, 1975, at 9:00 o'clock a.m., in the County Court House Annex in the City of San Diego, Duval County, Texas. A subpoena duces tecum will be issued, compelling O. P. Carrillo then to produce all books of account, records, papers and cancelled checks pertaining to his business relationship with Benavides Implement and Hardware Company.

This notice is given under the provisions of Rule 200, Texas Rules of Civil Procedure, and in accordance with the provisions of such rule notice is made by serving such notice upon the attorney of record for O. P. Carrillo, Mr. Arthur Mitchell, 315 Westgate Building, Austin, Texas 78701.

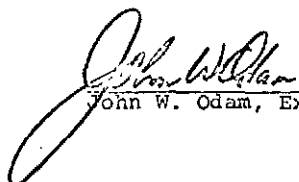
Respectfully submitted,

JOHN L. HILL  
Attorney General of Texas

  
JOHN W. ODAM  
Executive Assistant Attorney General  
Examiner

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Intention to Take Oral Deposition has been served on Arthur Mitchell, Attorney of Record for O. P. Carrillo, by the delivery of such copy by hand to the office of Mr. Arthur Mitchell, 315 Westgate Building, Austin, Texas 78701, on this the 9th day of October, 1975.

  
John W. Odam, Examiner

E/P-12

00123

INQUIRY CONCERNING A JUDGE X BEFORE THE STATE JUDICIAL  
NO. 5 X QUALIFICATIONS COMMISSION,  
X STATE OF TEXAS  
X

NOTICE OF INTENTION TO TAKE  
ORAL DEPOSITIONS

Notice is hereby given to the Honorable O. P. Carrillo that the State Judicial Qualifications Commission intends to take the deposition of a witness, Mr. Clinton Manges, who resides in Freer, Texas, on Wednesday, October 22, 1975, at 9:00 o'clock a.m., in the County Court House Annex in the City of San Diego, Duval County, Texas. A subpoena duces tecum will be issued, compelling Clinton Manges then to produce a cancelled check, dated on or about January 27, 1971, in the sum of \$6,915.55, payable to Riata Cadillac Co., San Antonio, Texas, drawn on the First State Bank and Trust Co. of Rio Grande City, Texas.

This notice is given under the provisions of Rule 200, Texas Rules of Civil Procedure, and in accordance with the provisions of such rule, notice is made by serving such notice upon the attorney of record for O. P. Carrillo, Mr. Arthur Mitchell, 315 Westgate Building, Austin, Texas, 78701.

Respectfully submitted,

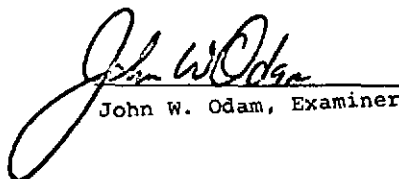
JOHN L. HILL  
Attorney General of Texas



JOHN W. ODAM  
Executive Assistant Attorney General  
Examiner

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Intention to Take Oral Deposition has been served on Arthur Mitchell, Attorney of Record for O. P. Carrillo, by the delivery of such copy by hand to the office of Mr. Arthur Mitchell, 315 Westgate Building, Austin, Texas, 8701, on this the 9th day of October, 1975.



John W. Odam, Examiner

E/P-13

**00124**

IN THE MATTER OF PROCEEDING § IN THE DISTRICT COURT  
OF STATE JUDICIAL § OF TRAVIS COUNTY, TEXAS  
QUALIFICATIONS COMMISSION § 167TH JUDICIAL DISTRICT  
NO. 5 §

O R D E R

On this \_\_\_\_ day of October, 1975, came on to be heard the Application For Order Compelling Appearance For Taking Of Deposition in the above entitled and numbered cause and the court having considered such petition is of the view and so finds that the relief sought in such petition should be granted, it is, accordingly,

ORDERED, ADJUDGED and DECREED that the persons named below residing at the addresses shown are ordered to appear and testify at the times designated below in a deposition to be taken before Walter Hickman or his designated employee, a duly qualified and serving Notary Public in and for Travis County, Texas, at the Courthouse Annex in San Diego, Texas, with directions as indicated for each such person.

Persons Ordered to appear and testify, their addresses, the time for the appearance of each and the directions for each are as follows:

- (1) (a) Person Requested to Testify: O. P. Carrillo  
(b) Address: Benavides, Texas  
(c) Time and Date to Testify: 9:00 o'clock A.M., Tuesday, October 21, 1975  
(d) Directions: That a subpoena duces tecum be issued, compelling O. P. Carrillo then to produce all books of account, records, papers and cancelled checks pertaining to his business relationship with Benavides Implement and Hardware Company.
- (2) (a) Person Requested to Testify: Clinton Manges  
(b) Address: Freer, Texas  
(c) Time and Date to Testify: 9:00 o'clock A.M., Wednesday, October 22, 1975.

E/P-14

00125

(d) Directions: That a subpoena duces tecum be issued, compelling Clinton Manges to then produce a cancelled check, dated on or about January 27, 1971, in the sum of \$6,915.55, payable to Riata Cadillac Co., San Antonio, Texas, drawn on the First State Bank and Trust Co. of Rio Grande City, Texas.

(3) (a) Person Requested to Testify: Ramiro Carrillo

(b) Address: Benavides, Texas.

(c) Time and Date to Testify: 1:30 o'clock P.M., Wednesday, October 22, 1975.

(d) Directions: That a subpoena duces tecum be issued, compelling Ramiro Carrillo then to produce all books of account, records, papers and cancelled checks pertaining to his business relationship with Benavides Implement and Hardware Company.

The District Clerk of Travis County, Texas is hereby Ordered to issue the subpoenas duces tecum necessary to compel the attendance of the above-named witnesses at the times and places designated in this Order and under the conditions specified herein.

Done and entered this \_\_\_\_ day of October, 1975.

\_\_\_\_\_  
Judge, 167th Judicial  
District Court  
Travis County, Texas

00126

IN THE MATTER OF PROCEEDING	X	IN THE DISTRICT COURT
	X	
OF STATE JUDICIAL QUALIFICA-	X	OF TRAVIS COUNTY, TEXAS
	X	
TION COMMISSION NO. 5	X	_____ JUDICIAL DISTRICT

APPLICATION FOR ORDER COMPELLING  
APPEARANCE FOR TAKING OF DEPOSITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW John L. Hill, Attorney General of Texas, Counsel for the State Judicial Qualification Commission (hereinafter styled "Commission") and files this, his Application for Order Compelling Appearance for Taking of Deposition in the above entitled and numbered proceeding and would respectfully show unto the Court the following:

I.

NATURE OF THE PENDING MATTER

The Matter of Proceeding of State Judicial Qualification Commission No. 5 is an action brought by the Commission pursuant to the provisions of Article V, Section 1-a of the Texas Constitution. Notice of a preliminary investigation has been served on the Judge who is the subject of the proceeding (hereinafter styled "Judge"). Notice of formal proceedings have been served on the Judge and an answer thereto has been filed. Additionally, first amended notice of formal proceedings has been served on counsel representing the Judge. Pursuant to Rule Six, Rules for the Removal or Retirement of Judges, adopted and promulgated by the Supreme Court of Texas, the Commission has requested of the Supreme Court of Texas and accordingly, the Supreme Court of Texas has appointed a Master. The Master appointed is the Honorable James R. Meyers, Judge, 126th District Court, Travis County, Texas. The Master has set a hearing for Monday, November 3, 1975.

Counsel for the Commission has served notice of intention to take oral depositions as per notices of the following three witnesses:

E/R-15

- (1) O. P. Carrillo;
- (2) Ramiro Carrillo; and
- (3) Clinton Manges.

The Master has ordered the taking of the depositions of these three persons pursuant to Section 9, Article 5966a, Texas Revised Civil Statutes. Counsel for the Judge has advised the Master and counsel for the Commission that the Judge "declines to stipulate as to the manner of taking the deposition of any individual in connection with the ... proceedings, and that he further declines to appear for the taking ... his own deposition ...." Consequently pursuant to Section 9 of Article 5966a, Texas Revised Civil Statutes, counsel for the Commission files this Application.

## II.

NAMES AND RESIDENCES OF PERSONS  
WHOSE TESTIMONY IS DESIRED AND DIRECTIONS ASKING  
THAT AN ORDER BE MADE REQUIRING SUCH PERSONS  
TO APPEAR AND TESTIFY BEFORE A DESIGNATED OFFICER

It is hereby respectfully requested that this Court issue an Order requiring the persons hereinafter designated to appear and testify:

- (1) (a) Person Requested to Testify: O. P. Carrillo
  - (b) Address: Benavides, Texas
  - (c) Time and Date to Testify: 9:00 o'clock A.M., Tuesday, October 21, 1975
  - (d) Place Requested to Testify: County Court House Annex in the City of San Diego, Duval County, Texas.
  - (e) Directions: That a subpoena duces tecum be issued, compelling O. P. Carrillo then to produce all books of account, records, papers and cancelled checks pertaining to his business relationship with Benavides Implement and Hardware Company.
- (2) (a) Person Requested to Testify: Clinton Manges
  - (b) Address: Freer, Texas
  - (c) Time and Date to Testify: 9:00 o'clock A.M., Wednesday, October 22, 1975.
  - (d) Place Requested to Testify: County Court House Annex in the City of San Diego, Duval County, Texas.
  - (e) Directions: That a subpoena duces tecum be issued, compelling Clinton Manges to then produce a cancelled check, dated on or about January 27, 1971,

00128

in the sum of \$6,915.55, payable to Riata Cadillac Co., San Antonio, Texas, drawn on the First State Bank and Trust Co. of Rio Grande City, Texas.

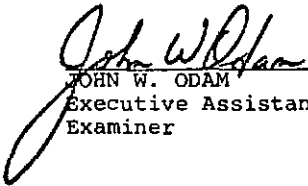
- (3)(a) Person Requested to Testify: Ramiro Carrillo
- (b) Address: Benavides, Texas.
- (c) Time and Date to Testify: 1:30 o'clock P.M., Wednesday, October 22, 1975.
- (d) Place Requested to Testify: County Court House Annex in the City of San Diego, Duval County, Texas.
- (e) Directions: That a subpoena duces tecum be issued, compelling Ramiro Carrillo then to produce all books of account, records, papers and cancelled checks pertaining to his business relationship with Benavides Implement and Hardware Company.

Officer Designated to Take Depositions: Walter Hickman of Austin, Travis County, Texas, or his designated employee.

WHEREFORE, PREMISES CONSIDERED, counsel for the Commission prays that this Court issue its order requiring such persons to appear and testify in accordance with the above directions and the Court issue its Order directing the District Clerk of Travis County, Texas, to issue subpoenas duces tecum as aforesaid.

Respectfully submitted,

JOHN L. HILL  
Attorney General of Texas

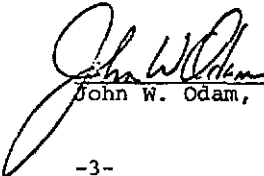
  
JOHN W. ODAM  
Executive Assistant Attorney General  
Examiner

MAX P. FLUSCHE  
Assistant Attorney General  
Examiner

P. O. Box 12548  
Capitol Station  
Austin, Texas 78711

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Application for Order Compelling Appearance for Taking of Deposition has been served on Arthur Mitchell, Attorney of record for O. P. Carrillo, by the delivery of such copy by hand to the office of Mr. Arthur Mitchell, 315 Westgate Building, Austin, Texas, 78701, on this the 15th day of October, 1975.

  
John W. Odam, Examiner



00129

IN THE MATTER OF PROCEEDING	Y	IN THE DISTRICT COURT
	X	
OF STATE JUDICIAL QUALIFICA-	X	OF DUVAL COUNTY, TEXAS
	X	
TION COMMISSION NO. 5	X	

APPLICATION FOR ORDER COMPELLING  
APPEARANCE FOR TAKING OF DEPOSITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW John L. Hill, Attorney General of Texas, Counsel for the State Judicial Qualification Commission (hereinafter styled "Commission") and files this, his Application for Order Compelling Appearance for Taking of Deposition in the above entitled and numbered proceeding and would respectfully show unto the Court the following:

I.

The Matter of Proceeding of State Judicial Qualification Commission No. 5 is an action brought by the Commission pursuant to the provisions of Article V, Section 1-a of the Texas Constitution. Notice of a preliminary investigation has been served on the Judge who is the subject of the proceeding (hereinafter styled "Judge"). Notice of formal proceedings have been served on the Judge and an answer thereto has been filed. Additionally, first amended notice of formal proceedings has been served on counsel representing the Judge. Pursuant to Rule Six, Rules for the Removal or Retirement of Judges, adopted and promulgated by the Supreme Court of Texas, the Commission has requested of the Supreme Court of Texas and accordingly, the Supreme Court of Texas has appointed a Master. The Master appointed is the Honorable James R. Meyers, Judge, 126th District Court, Travis County, Texas. The Master has set a hearing for Monday, November 3, 1975.

Counsel for the Commission has served notice of intention to take oral depositions as per notices of the following three witnesses:

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- (1) O. P. Carrillo;
- (2) Ramiro Carrillo; and
- (3) Clinton Manges.

The Master has ordered the taking of the depositions of these three persons pursuant to Section 9, Article 5966a, Texas Revised Civil Statutes. Counsel for the Judge has advised the Master and counsel for the Commission that the Judge "declines to stipulate as to the manner of taking the deposition of any individual in connection with the ... proceedings, and that he further declines to appear for the taking ... his own deposition ...." Consequently pursuant to Section 9 of Article 5966a, Texas Revised Civil Statutes, counsel for the Commission files this Application.

II.

NAMES AND RESIDENCES OF PERSONS  
WHOSE TESTIMONY IS DESIRED AND DIRECTIONS ASKING  
THAT AN ORDER BE MADE REQUIRING SUCH PERSONS  
TO APPEAR AND TESTIFY BEFORE A DESIGNATED OFFICER

It is hereby respectfully requested that this Court issue an Order requiring the persons hereinafter designated to appear and testify:

- (1) (a) Person Requested to Testify: O. P. Carrillo
- (b) Address: Benavides, Texas
- (c) Time and Date to Testify: 9:00 o'clock A.M., Tuesday, October 21, 1975.
- (d) Place Requested to Testify: County Court House Annex in the City of San Diego, Duval County, Texas.
- (e) Directions: That a subpoena duces tecum be issued, compelling O. P. Carrillo then to produce all books of account, records, papers and cancelled checks pertaining to his business relationship with Benavides Implement and Hardware Company.
- (2) (a) Person Requested to Testify: Clinton Manges
- (b) Address: Freer, Texas
- (c) Time and Date to Testify: 9:00 o'clock A.M., Wednesday, October 22, 1975.
- (d) Place Requested to Testify: County Court House Annex in the City of San Diego, Duval County, Texas.

06131

- (e) Directions: That a subpoena duces tecum be issued, compelling Clinton Manges to then produce a cancelled check, dated on or about January 27, 1971, in the sum of \$6,915.55, payable to Riata Cadillac Co., San Antonio, Texas, drawn on the First State Bank and Trust Co. of Rio Grande City, Texas.
- (3) (a) Person Requested to Testify: Ramiro Carrillo
- (b) Address: Benavides, Texas.
- (c) Time and Date to Testify: 1:30 o'clock P.M., Wednesday, October 22, 1975.
- (d) Place Requested to Testify: County Court House Annex in the City of San Diego, Duval County, Texas.
- (e) Directions: That a subpoena duces tecum be issued, compelling Ramiro Carrillo then to produce all books of account, records, papers and cancelled checks pertaining to his business relationship with Benavides Implement and Hardware Company.

Officer Designated to Take Depositions: Walter Hickman of Austin, Travis County, Texas, or his designated employee.

WHEREFORE, PREMISES CONSIDERED, counsel for the Commission prays that this Court issue its order requiring such persons to appear and testify in accordance with the above directions and the Court issue its Order directing the District Clerk of Duval County, Texas, to issue subpoenas duces tecum as aforesaid.

Respectfully submitted,

JOHN L. HILL  
Attorney General of Texas

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JOHN W. ODAM  
Executive Assistant Attorney General  
Examiner

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MAX P. FLUSCHE  
Assistant Attorney General  
Examiner

P.O. Box 12548  
Capitol Station  
Austin, Texas 78711

0132

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Application for Order Compelling Appearance for Taking of Deposition has been served on Arthur Mitchell, Attorney of record for O. P. Carrillo, by the delivery of such copy by hand to the office of Mr. Arthur Mitchell, 315 Westgate Building, Austin, Texas 78701, on this the \_\_\_ day of October, 1975.

\_\_\_\_\_  
JOHN W. ODAM, Examiner

CC133

IN THE MATTER OF PROCEEDING S IN THE DISTRICT COURT  
OF STATE JUDICIAL S OF DUVAL COUNTY, TEXAS  
QUALIFICATIONS COMMISSION S 229TH JUDICIAL DISTRICT  
NO. 5 S

ORDER

On this 17<sup>th</sup> day of October, 1975, came on to be heard the Application For Order Compelling Appearance For Taking Of Deposition in the above entitled and numbered cause and the court having considered such petition is of the view and so finds that the relief sought in such petition should be granted, it is, accordingly,

ORDERED, ADJUDGED and DECREED that the persons named below residing at the addresses shown are ordered to appear and testify at the times designated below in a deposition to be taken before Walter Hickman or his designated employee, a duly qualified and serving Notary Public in and for Travis County, Texas, at the Courthouse Annex in San Diego, Texas, with directions as indicated for each such person.

Persons Ordered to appear and testify, their addresses, the time for the appearance of each and the directions for each are as follows:

- (1) (a) Person Requested to Testify: O. P. Carrillo  
(b) Address: Benavides, Texas  
(c) Time and Date to Testify: 9:00 o'clock A.M., Tuesday, October 21, 1975  
(d) Directions: That a subpoena duces tecum be issued, compelling O. P. Carrillo then to produce all books of account, records, papers and cancelled checks pertaining to his business relationship with Benavides Implement and Hardware Company.
- (2) (a) Person Requested to Testify: Clinton Manges  
(b) Address: Freer, Texas  
(c) Time and Date to Testify: 9:00 o'clock A.M., Wednesday, October 22, 1975.

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00134

- (d) Directions: That a subpoena duces tecum be issued, compelling Clinton Manges to then produce a cancelled check, dated on or about January 27, 1971, in the sum of \$6,915.55, payable to Riata Cadillac Co., San Antonio, Texas, drawn on the First State Bank and Trust Co. of Rio Grande City, Texas.
- (3) (a) Person Requested to Testify: Ramiro Carrillo
- (b) Address: Benavides, Texas.
- (c) Time and Date to Testify: 1:30 o'clock P.M., Wednesday, October 22, 1975.
- (d) Directions: That a subpoena duces tecum be issued, compelling Ramiro Carrillo then to produce all books of account, records, papers and cancelled checks pertaining to his business relationship with Benavides Implement and Hardware Company.

The District Clerk of Duval County, Texas is hereby Ordered to issue the subpoenas duces tecum necessary to compel the attendance of the above-named witnesses at the times and places designated in this Order and under the conditions specified herein.

Done and entered this 17<sup>th</sup> day of October, 1975.

1st David Hester  
Judge, 229th Judicial District Court  
Duval County, Texas