


**INQUIRY CONCERNING A JUDGE
NO. 5**

NOVEMBER 11, 1975

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BEFORE THE 
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INQUIRY CONCERNING A JUDGE, NO. 5

NOVEMBER 11, 1975

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

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EXAMINATION CONTINUED

BY MR. HANES:

Q You are the same Mr. Cleofus Gonzalez who was here yesterday, are you not?

A Yes, sir.

Q Yesterday we were discussing the factual aspects of your terminating your employment with the Farm and Ranch, are you following me?

A Yes, sir.

Q If at any time I ask a question you don't understand, would you please let me know before you try to answer it?

A Yes, sir.

Q And that way, I can assume you are giving me the correct answer, as best you can make it?

A That is right, sir.

Q Now, I think we established you had an argument with O. P. Carrillo. Would you please tell us the date you quit the Farm and Ranch Store?

A I can't recall the date, sir.

Q The month, perhaps, and the year?

A Well, probably it was sometime in 1972.

Q All right. '72, would it be in --

A Probably the middle of the year.

1 Q Would it be about May?

2 A Yes, I think it was May. Yes, sir, it was May,
3 because I worked all month in June in Corpus.

4 Q Also, yesterday, I believe you indicated to the
5 Court that you really had not quit the county,
6 you had only taken some vacation time you had
7 coming to you?

8 A That is right, sir.

9 Q You have testified several times in connection
10 with the various proceedings involving O. P.
11 Carrillo, have you not?

12 A Yes, sir.

13 Q And before this Court and before this Judge is
14 the first time you have indicated you were on a
15 vacation when you quit the Farm and Ranch in
16 May, 1972, is it not, sir?

17 A Well, I don't recall if I did tell them that I
18 was on vacation or they didn't ask me, that is
19 how come I didn't tell them.

20 Q Didn't you tell them you got so mad you went to
21 Corpus and got a job?

22 A Well --

23 Q Did you tell them that or not, that you just got
24 mad, and so mad you went home and went to Corpus
25 Christi and got a job at Page Airways, is that

1 what you told them in Austin?

2 A Yes, sir.

3 Q Is that true?

4 A Yes, sir.

5 Q So you did get mad and get a job in Corpus?

6 A Yes, sir.

7 Q And you didn't say anything in Austin about
8 going on vacation?

9 A I don't recall, sir.

10 Q Do you have any doubt in your mind as to whether
11 you mentioned a vacation anywhere else except in
12 this Court and before this Judge?

13 As a matter of fact, you know you didn't?

14 A That is correct, sir.

15 Q And you were indeed mad at O. P. Carrillo when you
16 quit the Farm and Ranch in May, 1972, weren't you?

17 A No, sir.

18 Q You had quit a job that lasted for some ten or
19 twelve years, had you not?

20 A Well --

21 Q Did you, yes, or no?

22 A Yes, sir.

23 Q Is it true that the very next month that you
24 called the DPS and told them county trucks were
25 hauling grain for O. P. Carrillo, for the month

1 after you quit?

2 A That same year?

3 Q No, in '74, when you quit working in Precinct 3
4 and started working for Mr. Parr as a welfare man.

5 A Would you ask me that again, sir?

6 Q All right. I don't want to confuse you on it.

7 After you quit the Farm and Ranch in May,
8 1973, and then went to Corpus, Ramiro Carrillo
9 talked you into coming back to work for the
10 county?

11 A Yes, sir.

12 Q And you went to work for Precinct 3?

13 A Correct, sir.

14 Q At the Farm and Ranch Store?

15 A That is where he has his office.

16 Q That is where you worked, is it not?

17 A Yes, sir.

18 Q So you were actually on the scene at the Farm and
19 Ranch Store after June, 1972?

20 A Yes, sir.

21 Q Up until about what time?

22 A May, 1974.

23 Q Until May, 1974, when you went to talk with
24 Archer Parr?

25 A Yes, sir.

1 Q And Mr. Archer Parr gave you a new job?

2 A Correct, sir.

3 Q And that is when you joined forces with Archer
4 Parr against your old friend --

5 MR. ODAM: I object to the form of
6 the question. It is misleading as to
7 the form of the question.

8 MR. HANES: Maybe I can rephrase
9 it.

10 THE MASTER: I was prepared to
11 overrule it, but if you want to rephrase
12 it, that is fine.

13 MR. HANES: I think the objection
14 has tutored the witness to where that
15 question is no longer viable.

16 Q (By Mr. Hanes:) When you quit the Farm and Ranch
17 in May, 1973, you went to see Archer Parr, did
18 you not?

19 A I did, sir.

20 Q And Mr. Parr told you at that time that he was
21 going to give you a new job?

22 A Yes, for the meantime.

23 Q And when he got things settled down, you were
24 going to have your old job back?

25 A Yes, sir.

1 Q So at that point in time you became a member of
2 the Archer Parr political faction, did you not?

3 A No, sir.

4 Q Well, you didn't get any cut in pay, did you,
5 when you moved over from the farm and ranch
6 Precinct 3 to a welfare officer working for
7 Archer Parr? You got the same kind of money,
8 didn't you?

9 A I got a little bit raise.

10 Q Oh, you got a raise?

11 A Yes, sir.

12 Q When you quit Precinct 3 and went to work for
13 Mr. Archer Parr?

14 A I didn't go to work, I just went and thanked him
15 for the job.

16 Q Well, he gave you the new job, didn't he?

17 A Well, he --

18 Q Well, did he or not?

19 A He just said for me to keep on working.

20 Q Did he give you the new job, Mr. Gonzalez, or
21 not?

22 A Well, he just said a while ago -- yes, he did.

23 Q Did he?

24 A Yes.

25 Q Does it pain you to say that Mr. Archer Parr gave

1 you the new job? Are you reluctant to tell us
2 that, to tell this judge that?

3 A I didn't get your question, sir.

4 Q Why are you reluctant to tell this court that
5 Mr. Archer Parr gave you a new job?

6 A I guess --

7 Q Are you embarrassed about that?

8 A No, sir, no, sir.

9 Q All right, you took the job, didn't you?

10 A I did, I was working, I was working there. I
11 wanted to keep on working to make a living. I
12 have to work.

13 Q And you took the new job and the raise in May,
14 didn't you?

15 A Yes, sir.

16 Q And you took this new job in May of 1974?

17 A Yes, sir.

18 Q All right, and it was in June of 1974 when you
19 called the Department of Public Safety, according
20 to you, and told them that trucks were hauling
21 grain that belonged to O. P. Carrillo, isn't that
22 correct?

23 A That is true.

24 Q So the story you told the court yesterday about
25 having some feeling for the citizens of the

1 community who couldn't get their trucks inspected,
2 that was sort of an afterthought, wasn't it, Mr.
3 Gonzalez?

4 A No, it was just --

5 Q Well, the truth is you wanted revenge on O. P.
6 Carrillo, didn't you?

7 A No, sir.

8 Q Didn't you tell the people of the House of
9 Representatives up in Austin that you called the
10 DPS because O. P. Carrillo had caused some of
11 your friends to get fired from their jobs?

12 A No, sir.

13 Q Do you remember talking about that to them?

14 A No, sir.

15 Q Did you call the sheriff in June of 1974 after
16 you joined forces with Archer Parr and took the
17 new job with the raise in pay?

18 A I didn't, sir.

19 Q Were you present when the sheriff was called about
20 trucks hauling grain for O. P. Carrillo?

21 A I think I was sir, yes, sir.

22 Q What do you mean you think you were? You were
23 or you were not. Were you there or not?

24 A I was.

25 Q All right, what sheriff did you call; what was

1 his name?

2 A Well --

3 MR. ODAM: Your Honor, the witness
4 just testified the last question he did
5 not call the sheriff.

6 THE MASTER: That is correct.

7 Q How do you know that the -- well, have you ever
8 said under oath that you called the sheriff to
9 tell him about trucks carrying grain for O. P.
10 Carrillo?

11 A No, sir.

12 Q Do you recall in Austin, Texas, on the 20th day
13 of May, 1975, testifying before the House group
14 in Austin?

15 A Yes, sir.

16 Q All right, do you remember a question being asked
17 of you at that time?

18 MR. HAYNES: Page 151, Counsel.

19 Q "Why didn't you call the sheriff's office." This
20 has to do with the business of your claim that
21 county trucks were hauling grain belonging to
22 O. P. Carrillo. Do you remember that question
23 being asked of you, "Why didn't you call the
24 sheriff's office?" Was it asked of you or not,
25 do you remember?

1 A I don't remember really, but --

2 Q Well, if you doubt it, let me show you.

3 MR. HAYNES: May I approach the wit-
4 ness, Your Honor, and show him?

5 THE MASTER: Yes, sir.

6 Q Well, if that question was asked of you, Mr.

7 Gonzalez, what would your response have been.

8 The question specifically, and let me give it
9 to you and you listen carefully.

10 A All right.

11 Q "Why didn't you call the sheriff's office?" You
12 are talking about when you say you saw these
13 trucks of the county hauling grain that you knew
14 belonged to O. P. Carrillo?

15 A Do you want me to explain that?

16 Q No. The question is, "Why didn't you call the
17 sheriff's office?" What would your answer be
18 now before the judge?

19 A Because Ruben Chapa --

20 Q No, what would your answer be. "Why didn't you
21 call the sheriff's office?" What is your answer?

22 A Because Ruben Chapa had already told the sheriff's
23 department about this going on and one of the
24 sherriffs said, "I already did", but that's all
25 he told him and never did anything happen.

1 Q Do you remember what you told those people in
2 Austin under oath when that very same question
3 was asked of you, Mr. Gonzalez?

4 A No, sir, I don't remember, really.

5 Q Well, did you try at that time to tell them the
6 truth?

7 A I did, sure, and I am telling the truth right
8 now to the best of my knowledge.

9 Q May I show you this, sir?

10 A Sure.

11 Q Is this the question on page 151, question "Why
12 didn't you call the sheriff's office?" Is that
13 the question or not?

14 A Yes, sir.

15 Q And your answer was, "Because the sheriff, we
16 told them, I guess we did -- yes -- too -- yes,
17 we did, we told them."

18 A Yes, sir, that is what I mean, I didn't do it.

19 Q Did you tell the sheriff?

20 A We did, I mean --

21 Q Why didn't you call the sheriff's office and
22 you said, "We did, yes".

23 A Well, I --

24 Q Did you call the sheriff's office or not, sir?

25 A I didn't.

1 Q All right.

2 A I didn't, I did not.

3 Q But you left the impression in Austin that you
4 had called the sheriff's office, didn't you?

5 A Well, maybe yes.

6 Q Well, you wanted to leave that impression, didn't
7 you, Mr. Gonzalez?

8 A No, sir.

9 Q You wanted to make it look like in Austin, Texas,
10 that you had tried to get the sheriff involved
11 because you were so outraged at seeing these
12 trucks carrying the grain, isn't that what you
13 wanted to convey?

14 A No sir, that wasn't my point.

15 Q Well, you didn't tell the specific truth in
16 Austin, Texas, when you answered that question,
17 did you, sir?

18 A I did say the truth to the best of my knowledge.

19 Q Well, did you call the sheriff or not?

20 A I didn't do it myself.

21 Q All right, when you told the people in Austin
22 that you called them, that is not true, is it?

23 A Well --

24 Q Because you didn't call them, did you?

25 A Me personally, I didn't.

1 Q All right.

2 A No, sir.

3 Q And that happened one month after you quit?

4 A I don't --

5 Q After you quit Precinct 3?

6 A I don't recall. You just said it was May or
7 June, but I don't recall the date, sir. I
8 couldn't tell you exactly.

9 Q Well, do you remember what you told them in
10 Austin about the exact day you quit?

11 A I think I told them the same thing, that I didn't
12 know what -- I didn't know the exact date.

13 MR. HAYNES: May I show the witness
14 again, Your Honor?

15 THE MASTER: Yes, sir.

16 Q Well, now, that was just in May of 1975?

17 A No, it couldn't be 75.

18 Q No, when you told the people in Austin, when it
19 was that you called the sheriff -- or the Depart-
20 ment of Public Safety about the trucks hauling
21 the grain. And do you remember what you told them
22 then?

23 A I really --

24 Q Were you trying to tell those people in Austin
25 what happened or when it happened or were you

1 just making it up out of your mind?

2 A No, I mean I knew when -- I mean I knew it happened,
3 but I don't know the exact date.

4 Q Did you know when you talked in Austin what the
5 exact date was?

6 A No, sir.

7 Q Do you remember what you told them as to what
8 the date was when you called the DPS about the
9 grain trucks hauling the grain?

10 A I told it that we were one day standing outside
11 the store.

12 Q Now, do you remember what date you told them?

13 A No, sir.

14 Q Well, on page 170 did you tell them that it was
15 in June, July, somewhere in there, August in the
16 grain season?

17 A That's right.

18 Q Of 1974?

19 A Well, if you ask me if I said June or July, yes,
20 it would have been during grain season. But I
21 couldn't give you, it was on June the 10th or
22 June the 9th, that is what I mean right now, too.

23 Q All right.

24 A That is in between those three months, but I
25 couldn't give you an exact date. I mean, like

1 June the 10th or --

2 Q All right.

3 A Or maybe 10th.

4 Q All right.

5 A But it was some -- but if you ask me if it was
6 sometime in grain season, I would say yes.

7 Q I would tell you it was in grain season and it
8 was after the time you quit Precinct 3 and went
9 to work for the Parr faction with the welfare
10 office, with a raise in pay?

11 A I went back to work for the same county. I
12 didn't work for no Parrs or --

13 Q It was after the time you went back and got the
14 new job from Mr. Archer Parr, isn't it?

15 MR. ODAM: Your Honor, we object to
16 the question as being argumentative. The
17 facts have been established thus far.

18 THE MASTER: A little argumentative,
19 Mr. Haynes.

20 MR. HAYNES: All right, Your Honor,
21 I withdraw that question.

22 Q And after the time that you became a member of
23 the -- well, a welfare officer with a raise in
24 pay, you also became an election judge, did you
25 not?

1 A I have been election judge for many years, for
2 many back years, sir. They always make me assis-
3 tant judge or presiding judge.

4 I have been working in elections since I
5 started voting as a matter of fact.

6 Q Incidentally, Mr. Gonzalez, one of the things
7 that caused your phone call to the Department of
8 Public Safety in the grain season of last year
9 to fall upon deaf ears, it became known that
10 O. P. Carrillo didn't have any grain, didn't
11 plant any grain in 1974 and you found that out
12 later, didn't you?

13 A No, sir.

14 Q You didn't find that out later?

15 A No, sir.

16 Q Mr. Archer Parr or none of his lieutenants told
17 you to call the DPS and told you to make some
18 allegations against O. P. Carrillo?

19 A No, sir.

20 Q It was your own idea?

21 A Yes, sir.

22 Q To call the DPS?

23 A Yes, sir.

24 Q And it was also Mr. Ruben Chapa's idea to call
25 the DPS?

1 A Yes, sir.

2 Q He was with you, wasn't he?

3 A Yes, sir.

4 Q He is also in the Parr camp, isn't he?

5 A I don't know, sir.

6 Q Did he go over and talk to Mr. Archer Parr about
7 the same time you did and get him a job or was
8 he there before?

9 A No, sir, I mean he got his job right after he
10 ran for election in the city so I didn't have to
11 do nothing with that.

12 Q I see. okay.

13 A I mean, I don't -- no, sir.

14 Q And, of course, immediately after you left the
15 farm and ranch position -- Precinct 3, rather,
16 in May of 1974, you went to work with the
17 celebrated Rudolfo Couling, did you not?

18 A That is correct, sir.

19 Q And as a matter of fact -- you, since that time
20 in your life have managed now to become, as you
21 said yesterday, the owner of your own business?

22 A That is correct, sir.

23 Q And that is a business that was formally the
24 business of Rudolfo Couling?

25 A That is correct, sir.

1 Q And in addition to that, your financial affairs
2 have improved, that is, since you left the farm
3 and ranch, in May of 1974, you have managed to
4 acquire some material advantage, have you not?
5 You have a new home, do you not?

6 A That is my home, I bought it when I got married,
7 a few years after, and I have been adding little
8 by little and I do my own work.

9 Q I see.

10 A All the carpentering, I do it myself.

11 Q But your fortunes have improved, you bought your-
12 self a business from Rudolfo Couling?

13 A What can I do, sir, I can't go out and work, I
14 have to live. That is the only source of money
15 I have got right now.

16 Q Are you still a welfare officer?

17 A No, sir -- well, they haven't fired me, but they
18 just laid me off and they haven't said --

19 Q They haven't paid you, though?

20 A That's right, and I don't want to go over there
21 and say to pay me because I haven't done work.

22 Q All right.

23 A But I think maybe one of these days they tell me
24 to go back to your work and I am waiting for that.

25 Q Well, Mr. Archer Parr told you when things settled

1 down you would get your old job back in Precinct 3?

2 A Well, probably, yes.

3 Q You said probably, you are not trying to indicate
4 to the court that Mr. Parr didn't tell you that,
5 are you? Mr. Parr told you that when things
6 settled down you would have your old job back
7 in Precinct 3, didn't he, or at least that is
8 what you told the people in Austin when you testi-
9 fied under oath?

10 A I think that is right, sir.

11 Q Well, don't think about it, is it correct or not?

12 A It is correct.

13 Q All right and so, of course, since you quit Pre-
14 cinct 3 in May of 1974 you have been planning on
15 getting your old job back when and if things
16 settled down in Benavides, Texas?

17 A That's correct sir.

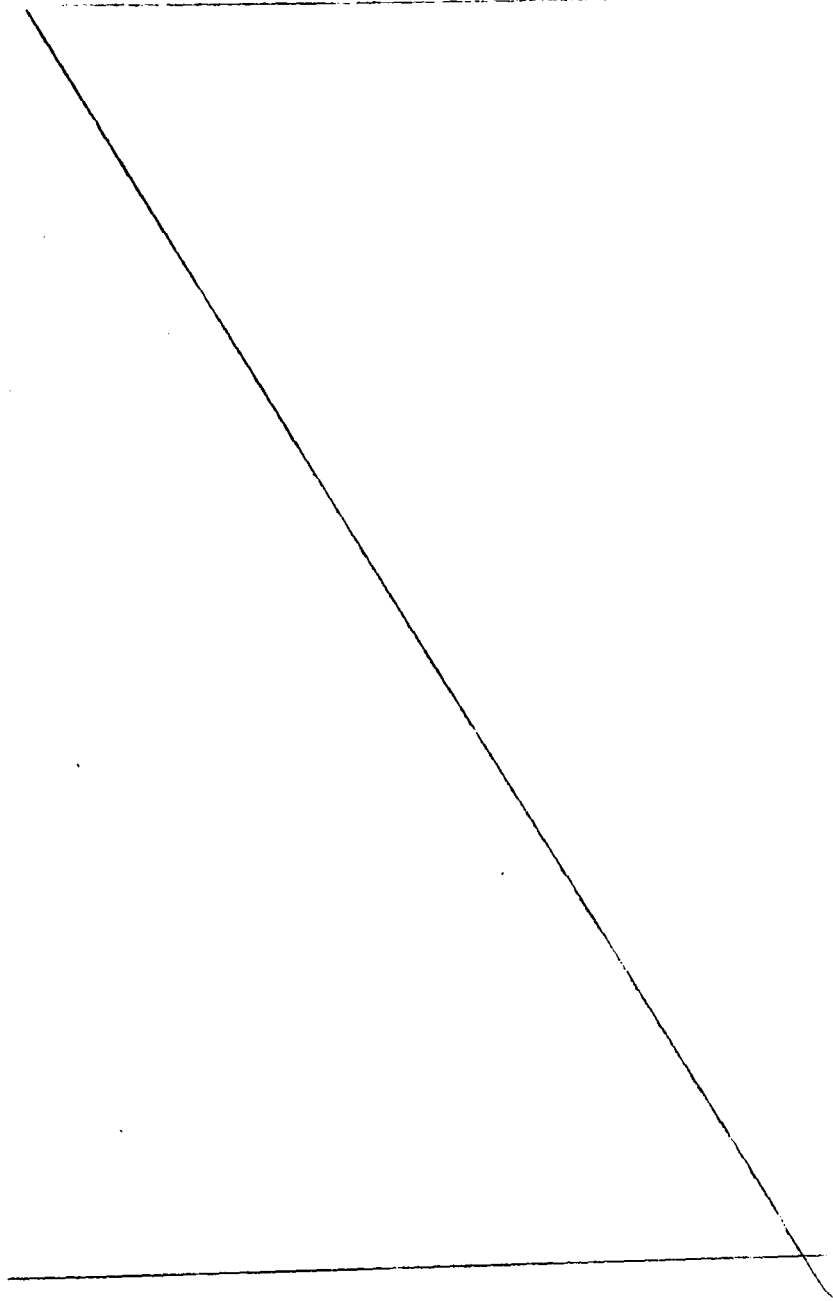
18 Q All right, and that means when things settle
19 down, that means when the Parr faction of the
20 politics in Duval County is back in power, you
21 will have your old job back at Precinct 3?

22 A I don't think the Parr faction is going to get
23 back in Duval County.

24 Q Well, isn't that what you entered into the rela-
25 tionship with Archer Parr and the welfare thing?

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A I just told you a while ago that no, sir.



1 Q Well, let's see, are you suggesting to this Court
2 the sole source of your income is the money you
3 make as a welfare officer? You are not saying
4 that, are you?

5 A Right now?

6 Q Yes.

7 A I don't have a salary right now.

8 Q You have other sources of income, don't you?

9 A I have a ranch and a few cows.

10 Q That is a source of income to you?

11 A Sure.

12 Q And you have your business you brought from
13 Rudolfo Couling?

14 A Correct, sir.

15 Q As a matter of fact, since you -- let's see if we
16 can take this a step at a time.

17 Since you left Precinct 3 in May, 1974, and
18 aligned your fortunes with the Archer Parr group,
19 you have bought a new truck, have you not?

20 A I bought that truck in 1970, sir.

21 Q Your testimony under oath is you have not bought
22 a new truck since you left Precinct 3?

23 A No, sir.

24 Q All right. You remodeled your home and made some
25 additions to it since you left Precinct 3?

A No, sir.

2 MR. ODAM: I object to the
3 relevancy as to what this witness has
4 done since he left his job with
5 Precinct 3. I don't see how it relates
6 to either bias or prejudice and it is
7 unduly taking the time of this Court.

8 THE MASTER: I think that is correct.

9 MR. HANES: I believe so, Your
10 Honor, so I will get off that line of
11 inquiry.

12 THE MASTER: Thank you.

13 Q (By Mr. Hanes:) All right. Mr. Gonzalez, one
14 of the reasons why you got so made when you had
15 your argument with O. P. Carrillo is that it was
16 discussed at that time the fact that you had been
17 stealing from the Farm and Ranch; that is a fact,
18 is it not?

19 A They never did mention about that. I think you
20 are wrong.

21 Q You didn't admit to stealing items?

22 A I said I could have anything I wanted to, because
23 I think I had a right.

24 Q Didn't you say you took anything you wanted?

25 A Yes.

Q Did you?

2 A Yes, sir.

3 Q Did you pay for them?

4 A No, sir.

5 Q Was that stealing?

6 A Not to my knowledge.

7 Q Was it a gift from O. P. Carrillo or Ramiro
8 Carrillo?

9 A It was sort of like paying me for what I was
10 doing for me for nothing for years.

11 Q Did you come in and say, I took 40 pounds of
12 nails and ten rolls of barb wire, did you tell
13 them that?

14 A Let's say I got a half a pound of nails once
15 a year. I didn't do it every day.

16 Q Didn't you tell the folks in Austin you would take
17 any small item that you wanted and felt like you
18 were entitled to it?

19 A I did it once a year.

20 Q Is it your sworn testimony that once a year you
21 would take a half pound of nails?

22 A Yes, sir.

23 Q Nothing else?

24 A No, sir, maybe.

25 Q No, sir, maybe?

1 A No, sir.

2 Q No, sir, you didn't take anything else?

3 A No, sir.

4 Q When O. P. Carrillo accused you of stealing from
5 the Farm and Ranch --

6 MR. ODAM: I object to the
7 relevancy and number two, if he wants to
8 get in by way of testimony what O. P.
9 Carrillo said, he can call him as a
10 witness. Thereby, it would be not
11 hearsay. The issue of stealing did
12 not take place and it is totally hearsay
13 as to what he is trying to develop.

14 THE MASTER: That objection is
15 overruled.

16 Q (By Mr. Hanes:) Mr. Gonzalez, regardless of
17 the reason for the argument, whether you were
18 stealing or not, and Judge O. P. Carrillo accused
19 you or not, after that discussion you and Judge
20 Carrillo didn't speak for a number of years?

21 A We never did. I would greet him and he would
22 say hello. I was not his best friend. It just
23 happened.

24 Q You didn't have any conversation with him at all
25 after that discussion in 1972?

1 A We talked a lot of times, but like we had always
2 done.

3 Q Didn't you tell the Senate -- I mean the House
4 you didn't talk with O. P. Carrillo from the
5 time you had that falling out until the day that
6 you were up in Austin, is that what you told them?

7 A I don't remember, sir.

8 Q You don't remember whether you told them that or
9 not?

10 A No, sir.

11 Q Is it possible that you told those people in
12 Austin under oath that you didn't speak to O. P.
13 Carrillo after you had that falling out, is it
14 possible you said that?

15 A Could have been.

16 Q Sir?

17 A Could have been.

18 Q Is it likewise true you testified under oath in
19 Federal Court about a month ago that from the
20 time of that argument in 1972 and up until today,
21 you didn't talk to O. P. Carrillo?

22 A I never did, sir, I mean --

23 Q All right. So, now, Mr. Cleofus Gonzalez,
24 anything that you say or do to hurt O. P. Carrillo
25 has been your purpose in life to do, is it not?

1 A No, sir.

2 Q You would not go out of your way to hurt him at
3 all?

4 A No, sir.

5 Q And you are not a vengeful man, certainly?

6 A Correct, sir.

7 Q And the only reason you called the DPS is because
8 you felt sorry for the poor people?

9 A Correct, sir.

10 Q And that was the first time you had seen any kind
11 of a county truck hauling grain for O. P.
12 Carrillo or what you thought was O. P. Carrillo's
13 grain?

14 A Yes, sir.

15 Q And it was an outrageous situation to you and that
16 is why you made the call?

17 A Yes, sir.

18 MR. HANES: I believe that is all the
19 questions I have of Mr. Gonzalez at
20 this time. I will pass the witness.

21
22 R E - E X A M I N A T I O N

23 BY MR. ODAM:

24
25 Q Mr. Gonzalez, Mr. Hanes has asked you a number of

1 questions about Judge O. P. Carrillo and about an
2 argument about the Farm and Ranch Store. How long
3 have you known O. P. Carrillo?

4 A All my life, sir.

5 Q Did you grow up in Benavides, Texas?

6 A Yes, sir.

7 Q Where does Judge O. P. Carrillo live?

8 A Benavides.

9 Q Did you know him in passing during that time,
10 or how would you describe the extent to which you
11 knew him? Was he someone in town you knew by
12 name?

13 A I was born and lived all my life on his daddy's
14 ranch.

15 Q What is his daddy's name?

16 A D. C. Chapa.

17 Q What is your daddy's name?

18 A Lorenzo Gonzalez.

19 Q Was he good friends with D. C. Chapa?

20 A He came with him and started working with him when
21 he was 16 or 17 years old.

22 MR. HANES: We object to the
23 recitation that counsel is adding to the
24 record. That would be based on hearsay
25 as to what his father did with O. P.

1 Carrillo or O. P. Carrillo's family.

2 THE MASTER: Overruled.

3 Q So, Mr. Lorenzo Gonzalez and D. C. Chapa went a
4 way back, would you describe them as good friends?

5 A Yes, sir.

6 Q How would you describe that relationship?

7 A He worked for him as a ranch hand.

8 Q Worked for O. P. Carrillo?

9 A For his daddy.

10 Q D. C. Chapa?

11 A Yes.

12 Q What was the name of the ranch?

13 A Borjas.

14 Q Where were you born?

15 A Benavides, Texas.

16 Q Were you born at home or in a hospital?

17 A At home.

18 Q At the time you were born, did your father work
19 on D. C. Chapa's ranch?

20 A Yes, sir.

21 Q I believe you stated you lived on D. C. Chapa's
22 ranch?

23 A Yes, sir.

24 Q And for how many years did you live on Judge
25 Carrillo's father's ranch?

1 A My daddy quit working for D. C. Chapa around 1956.

2 Q So, can you put that in terms of years? I take
3 it, when you say quit working, you moved off the
4 ranch in 1956?

5 A Yes, sir.

6 Q Now, that means you lived on the ranch approxi-
7 mately 22 years?

8 A Correct, sir. I graduated in 1955.

9 Q From where?

10 A High school in Benavides.

11 Q Did Judge O. P. Carrillo ever come to the Borjas
12 ranch during that time?

13 A Yes, sir.

14 Q During this time, did you consider that you were
15 close to O. P. Carrillo, good friends with him?

16 A I never did talk to him, I would just say hello
17 and I never did make a long conversation with
18 him. That is the way it has been all the time.
19 I know him like a relative, but I never talked
20 to him like a long conversation or something
21 like that.

22 Q Okay.

23 A That is what I mean.

24 Q Now, there has been some testimony about some-
25 thing called the Farm and Ranch Store. Where is

1 the Farm and Ranch Store located?

2 A In Benavides, Texas.

3 Q Where is it, say in relation to the offices for
4 Precinct 3?

5 A Well, it is a building along the county yard and
6 the front part of the building is where they have
7 the Farm and Ranch Store and in the back it is
8 that county shop and the county equipment.

9 Q First of all, when did you go to work? I believe
10 you testified to this, but again, for purposes of
11 the record, restate when you went to work for the
12 county as a warehouseman.

13 A In late 1962.

14 Q And who employed you at that time as a
15 warehouseman?

16 A Ramiro Carrillo.

17 Q Did he have an official position with the county
18 at that time?

19 A He was kind of general manager to the county
20 commissioner.

21 Q He was not a commissioner at that time?

22 A No, sir.

23 Q At the time you went to work in the warehouse,
24 in 1962, was there an entity called the Farm and
25 Ranch Store?

- 1 A It started at the same time.
- 2 Q It started at the same time?
- 3 A Yes, sir.
- 4 Q Who owns the Farm and Ranch Store?
- 5 A Ramiro Carrillo and O. P. Carrillo.
- 6 Q Now, the Farm and Ranch Store is actually
7 located in the same building with the county
8 offices?
- 9 A Yes, sir.
- 10 Q And where the warehouse was?
- 11 A Yes, sir.
- 12 Q Do you recall how much you were paid by the county
13 in 1962?
- 14 A I started getting about two⁰ twenty-five, I think.
- 15 Q All right. And you're responsibilities as
16 warehouseman, you stated yesterday, I believe,
17 were to check out and keep up with the county
18 equipment and work for the county commissioner?
- 19 A Yes, sir.
- 20 Q What precinct was that?
- 21 A Three.
- 22 Q Who became the commissioner?
- 23 A Mr. Carrillo became commissioner in 1967 or 1968.
- 24 Q You are talking about Ramiro Carrillo?
- 25 A Yes.

1 Q When he became county commissioner, you continued
2 to do work for the county?

3 A Correct, sir.

4 Q Did you work for the Farm and Ranch Store also
5 during that time?

6 A Yes, sir.

7 Q What was your salary for the Farm and Ranch Store?

8 A From then on I didn't get paid anything but the
9 Farm and Ranch salary.

10 Q You worked on the county salary and you did work
11 for them in the Farm and Ranch Store and they
12 didn't pay you for it?

13 A No, sir.

14 Q How long did you work on the county salary and
15 work in the Farm and Ranch Store as well?

16 A Since I started and until May, '74.

17 Q Until May, '74?

18 A Just a minute -- at the Farm and Ranch, yes, to
19 May, 1974.

20 Q From 1962?

21 A Yes, sir.

22 Q So for 12 years you were on the county payroll
23 working for no pay at the Farm and Ranch Store?

24 A Correct, sir.

25 Q Well, did -- they did not pay you in merchandise

1 from the store, they didn't give you any pay?

2 A Just with the exception of one year. I don't
3 know what reason Mr. Parr laid off everybody, and
4 for that whole year, the Farm and Ranch Store
5 paid me about \$200, I guess. When Mr. Parr passed
6 away, Ramiro Carrillo became county commissioner
7 and he hired me again. I got paid just that year,
8 but I can't recall what it was probably '67.

9 Q All right.

10 A But that is the only time I got paid any money
11 from the Farm and Ranch Store on a salary basis.

12 MR. ODAM: Your Honor, in view of
13 this witness' testimony, I would call
14 the Court's attention to some of the
15 paragraphs which we have set forth in our
16 pleadings. For example, the Court is
17 aware of paragraph four, where it
18 concerns Francisco Ruiz, who was paid a
19 salary from Duval County --

20 MR. HANES: We would object to the
21 recitation in front of the witness.

22 MR. ODAM: If that is his objection,
23 it is fine for the witness to be excused
24 from the courtroom.

25 THE MASTER: What is the purpose of

1 this recitation?

2 MR. ODAM: To refer the Master to
3 Rule 12. The rule states that the Master
4 at any time prior to the conclusion of the
5 hearing may allow or require amendments
6 to the --

7 THE MASTER: Are you asking for a
8 trial amendment?

9 MR. ODAM: Yes, sir.

10 THE MASTER: Let's see it in writing.

11 MR. ODAM: All right, sir.

12 Q (By Mr. Odam:) During this time you were paid no
13 salary?

14 A No, sir, I was not.

15 Q Now, Mr. ⁱⁱanes has referred quite a bit to an
16 argument that was held. With whom was this
17 discussion or argument held, between you and what
18 party?

19 A Me and O. P. Carrillo.

20 Q You and O. P. Carrillo?

21 A Yes.

22 Q And what was your basis for the discussion?

23 A Well, he just approached me one day that he --

24 Q You say he, who is he?

25 A O. P. Carrillo approached me one day that he had

1 gone to buy auto parts and they refused him because
2 I had not sent the payment.

3 Q To whom?

4 A To the automotive supply.

5 Q Where was that located?

6 A Alice, Texas.

7 Q Was he talking about the county business or was
8 he talking about your work for the Farm and Ranch
9 Store?

10 A The Farm and Ranch Store.

11 Q Let's back up a moment, then. He was complaining
12 about you not having paid --

13 A For parts he had gotten on the Farm and Ranch
14 account.

15 Q It is your testimony that Judge Carrillo got auto
16 parts at this place in Alice?

17 A Yes, sir.

18 Q And it was charged to the Farm and Ranch Store?

19 A Yes.

20 Q And he was mad at you for what?

21 A I didn't pay it, because we didn't have any
22 money. I was waiting for money to pay it.

23 Q So he was mad at you about that?

24 A Yes, he got mad and I told him I didn't have the
25 money.

1 Q And what did he respond to that?

2 A He got mad and said something, I can't recall
3 what, but he and I both got mad and I don't know
4 what I told him, but he said well, if you don't
5 like it, close the damn business and get the hell
6 out of here.

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1 Q And was he paying you to work at the Farm and
2 Ranch Store at that time?

3 A No, sir.

4 Q Did you make any comments to him at that time or
5 any other time to O. P. Carrillo or anyone else
6 that you were not being paid to work in the Farm
7 and Ranch Store?

8 A I told his brother, Ramiro, when he went and
9 talked to me to come back. I told him, well, I
10 don't have to be at that Farm and Ranch, you're
11 not paying me, he is not paying me any money to
12 be there. He said, "Well, that is true, don't
13 you pay attention to O. P. I told him, well,
14 when he asked me for me to go back to work for
15 him he told me I am going to tell O.P. not to
16 interfer with you and I said, well it is his --

17 MR. HAYNES: Excuse me just a minute,
18 we are going to object to the recitations
19 as to what some other witness said, that
20 is hearsay as to O. P. Carrillo.

21 THE MASTER: You're getting close to
22 hearsay, Mr. Odam.

23 Q So the reason that you are stating that you left
24 for vacation or however you want to technically
25 describe it is because of this dispute about you

1 not paying the Farm and Ranch Store for these
2 auto parts?

3 A That is correct sir.

4 Q Mr. Haynes asked you about that you testified
5 before, I think the record is fairly obvious
6 as to where that is, but to make it entirely
7 straight, where have you testified before with
8 respect to Judge O. P. Carrillo?

9 A I think over in Austin in federal court over in
10 Austin and in federal court here.

11 Q When you testified in Austin would that be before
12 the House Select Committee?

13 A Yes, sir.

14 Q And were you subpoenaed to go testify there?

15 A Yes, sir.

16 Q And when you testified there, were you telling
17 the truth in those proceedings?

18 A Sure, sir, yes, sir.

19 Q And you were subpoenaed by the House committee?

20 A Yes, sir.

21 Q And when you testified in federal court, you are
22 talking about the federal charges that are pre-
23 sently pending. I suppose?

24 A Yes, sir, and I think also I testified over in
25 San Antonio at that San Antonio Grand Jury.

1 Q All right.

2 A I think, sir, I am not sure.

3 Q Were you testifying -- were you subpoenaed to
4 testify before the federal court here in Corpus
5 Christi?

6 A Yes, sir.

7 Q And the testimony you gave there is the truth?

8 A Yes, sir.

9 Q Just the same as what you are saying here is the
10 truth?

11 A Yes, sir, I don't have -- yes, sir.

12 Q Now, you were making two hundred and twenty-five
13 dollars a month working for the county while you
14 were working for no money for the Farm and Ranch
15 Store?

16 A That is correct, sir.

17 Q Now, Mr. Haynes referred that you then went at a
18 later point in time to see Archer Parr, what posi-
19 tion did Mr. Parr, Archer Parr, hold at that time?

20 A He was the county judge.

21 Q And he was, would you say, generally in charge of
22 hirings of county employees?

23 A Well, I think he was, yes, sir.

24 Q The placement of employees?

25 A Yes, sir.

- 1 Q And where is Archer Parr now?
- 2 A He is somewhere in the penitentiary, sir, I don't
3 know where.
- 4 Q He is in -- is it state or federal penitentiary?
- 5 A Federal. I think it is, federal.
- 6 Q He is not in Duval County right now?
- 7 A No, sir.
- 8 Q Where is Mr. George Parr?
- 9 A He is dead.
- 10 Q Well now Mr. Haynes has made reference to going
11 over to the Parr faction and the Parr faction
12 controlling, what is the Parr faction that Mr.
13 Haynes is talking about?
- 14 A I don't know what he means, I mean, that is what
15 I mean, we are not -- we are the people in
16 Benavides, we are doing our own, the best that
17 we can for our own county. I mean, we are with
18 nobody, I mean we are just doing our best, you
19 know.
- 20 Q Well, was Mr. --
- 21 A -- to get our county back together, we don't have
22 a leader, we don't have nobody.
- 23 Q Is Mr. Archer Parr sending out instructions from
24 the federal penitentiary on running the county now?
- 25 A I have never heard anything from Archer Parr to

1 tell you the truth, sir, I couldn't tell you any-
2 thing about it.

3 Q So it is your testimony that there is no Parr
4 faction at the present time?

5 A Well, not to my concern.

6 MR. HAYNES: I am going to object to
7 that question. It is assuming a fact that
8 is highly controverted. It is an issue,
9 it is not his testimony that there is no
10 Parr faction.

11 THE MASTER: Well, it is a little
12 leading, I don't know if that is your objec-
13 tion or not.

14 MR. HAYNES: I think essentially that
15 is, Your Honor, I neglected to say it.

16 MR. ODAM: I will rephrase the question.

17 Q Is there, to the best of your knowledge, a "Parr
18 faction" at the present time?

19 A No, sir.

20 Q And when you went over to see Mr. -- or Judge
21 Archer Parr, he was a county judge, is that cor-
22 rect?

23 A Yes, sir.

24 Q And you -- Mr. Haynes has indicated that you got
25 a raise in salary, and you stated that you became

1 involved with the welfare business?

2 A That is correct, sir. I asked him for a raise,
3 everything was too high and I couldn't do it on
4 what I was doing, I asked him for a raise really,
5 I asked him.

6 Q Well, in your opinion --

7 MR. ODAM: Strike that.

8 Q What were your responsibilities as being in charge
9 or your responsibilities with the welfare program?

10 A I gave out orders for medicines, for groceries,
11 for hospitalization, for funerals, just whatever
12 poor people needed, you know, that I thought that
13 they really needed; people who really needed things.

14 Q And when you were performing those functions, did
15 that take more than it did for you to do their
16 work or at the Farm and Ranch Store and do the
17 county work as county warehouseman, was it a
18 more involved job?

19 A Well, I say it was just --

20 Q Was there more responsibility involved there
21 than working for the Farm and Ranch Store?

22 A Yes, sir.

23 Q And when you went over to become in charge of the
24 welfare program and accept those responsibilities,
25 did you continue to work for them in the Farm and

1 Ranch Store?

2 A No, sir, I quit in 74 and I worked one more by
3 myself.

4 Q All right.

5 A I mean --

6 Q Now, Mr. Haynes, has referred to, "We called the
7 sheriff". I believe it was your testimony that
8 you, Cleofus Gonzalez, did not call the sheriff?

9 A I did not, sir.

10 Q But when you were referring about when you were
11 talking about "we", you were referring to Mr.
12 Ruben Chapa?

13 A I was there.

14 Q All right.

15 A I didn't even pay attention, I just went over to
16 the phone, he just got the phone and called and
17 he said, "I just called the sheriff and told him
18 that I had seen -- ". That is why I knew about it.

19 MR. HAYNES: Well, excuse me, Mr.

20 Witness. We will object now to what this

21 witness claims that Mr. Ruben Chapa said

22 to somebody on the other end of a phone

23 that he claims was the sheriff. We claim

24 that would be hearsay twice and thrice, and

25 once removed.

1 THE MASTER: I don't suppose that ques-
2 tion was asked of the witness, your ques-
3 tion was, I think, that Mr. Chapa phoned
4 the sheriff, is that correct?

5 MR. ODAM: That's correct, sir.

6 Q Again, Mr. Haynes posed a question to you that
7 after you became welfare officer that you became
8 election judge.

9 Now, after you became a welfare officer,
10 what position with respect to elections did you
11 have at that time? Did you acquire new responsi-
12 bilities with respect to elections?

13 A Well, I don't know, but I was appointed by the
14 county court or county commissioners to be
15 county election judge and I would receive a
16 letter from them every time an election was going
17 to be held and I received a letter from the
18 county clerk or somebody that I was appointed to
19 be either a clerk or assistant judge or presiding
20 judge.

21 Q And what salary did you receive for doing those
22 responsibilities?

23 A Sometime they pay us and sometimes they didn't.
24 Sometimes we get about ten dollars a day and
25 sometimes twenty.

1 Q And at the time that you became -- acquired these
2 positions thereafter, with respect to elections,
3 it is your testimony that prior to that time that
4 you had been involved with elections in official
5 capacities before?

6 A Yes, sir.

7 Q And for how long had you been previously involved?

8 A Since I started voting.

9 Q Now the responsibilities that you acquired after
10 you went with the county, with the welfare program
11 with respect to elections, were they different
12 than what you had been doing in the past?

13 A No, sir.

14 Q So it was basically the same?

15 A Yes, sir.

16 Q Now, Mr. Haynes referred to someone called a
17 celebrated Mr. Rudolfo Couling. I don't know
18 why he is celebrated, but presuming that he is,
19 and he might well be entitled to be called
20 celebrated, who is Rudolfo -- do you know a
21 gentlemen by the name of Rudolfo Couling?

22 A I know him for many years.

23 Q And where does he live?

24 A In Benavides.

25 Q How long have you known him?

1 A As long as I can remember, many years.

2 Q Mr. Haynes referred to the fact that you began
3 to go to work with Mr. Couling. What type of work
4 was that?

5 A I say -- I sell whatever he had at that store, a
6 clerk, whatever you say.

7 Q What store would that be?

8 A Benavides Implement.

9 Q And what is your present salary from Benavides
10 Implement and Hardware?

11 A When I started working he paid me on a commission
12 basis.

13 Q What was the amount of commission?

14 A About five per cent.

15 Q Did you become a richman over five per cent in
16 Benavides, Texas?

17 A No sir, sometimes we just sold about six hundred
18 dollars a month, so that didn't give me much.

19 Q Now, when you went to work for -- when you left
20 the job as warehouseman, you stopped doing busi-
21 ness for O. P. Carrillo on county salary, and you
22 also testified that when you became a welfare
23 officer that you no longer did private work for
24 anyone on a county salary?

25 A That is right.

1 Q Is that correct?

2 A That is correct, sir.

3 Q And then when you went to work for Mr. Couling,
4 engaged in private business, were you doing any
5 private work other than that or any county work
6 other than that?

7 A Just giving out welfare orders, you see how I
8 got involved with going in that store, Mr. Parr
9 said to get you --

10 MR. HAYNES: We are going to object
11 to that as being non-responsive, Your Honor.

12 THE MASTER: Sustained.

13 Q Mr. Couling -- Mr. Haynes said that you were
14 stealing from the Farm and Ranch Store. Did Judge
15 O. P. Carrillo accuse you of theft or stealing?

16 A I don't recall him saying anything about me that
17 I was stealing from him, because I have never
18 thought of that, you know, that he was going to
19 say that about me. I thought he trusted me a
20 little bit more.

21 MR. HAYNES: I am going to object to
22 that.

23 A And I just thought that --

24 MR. HAYNES: Excuse me, Mr. Witness,
25 I am objecting. We would object to that as

1 being non-responsive, Your Honor, and sub-
2 jective as to what he thought, it is not
3 responsive to the question and we object to
4 it.

5 THE MASTER: Sustained.

6 Q You are being paid no salary by Farm and Ranch
7 Store?

8 A No, sir.

9 Q And Mr. Haynes posed a question to you about tak-
10 ing from the county and I didn't write it down,
11 but it was a shocking amount of supplies; I think
12 he talked about maybe, you recall, some rows of
13 fencing?

14 A (Witness nods head yes.)

15 Q Did you ever take from the Farm and Ranch Store
16 great amounts of fencing?

17 A No, sir.

18 Q He talked about several pounds of nails, did you
19 take that from the Farm and Ranch Store?

20 A I took about a half a pound about once a year.

21 Q What kind of posts, cedar posts, did you take any
22 posts?

23 A No, sir, I got my own checks where I bought my
24 little place, where I can prove to him that I
25 paid for my posts. I got my checks, I bought it

1 from some man from San Antonio.

2 I have my checks, if he wants to see them,
3 I can prove where I bought them. I bought about
4 twenty posts at a time, that's all I could afford.

5 Q So it is your testimony that they were not paying
6 you any salary and that from time to time, however,
7 that you would take some half a pound or pound of
8 nails?

9 A Just nails, yes, for any little thing that I had
10 to do at home, make a chicken coop or something,
11 I mean, just nothing.

12 Q And what objection did O. P. Carrillo or Ramiro
13 Carrillo make to you taking that from the store
14 where they were having you work?

15 A Well, let me tell you something, Ramiro always
16 told me for me to have whatever I --

17 MR. HAYNES: Excuse me, we would object

18 Your Honor, the witness is --

19 THE MASTER: The question, Mr. Gonzalez --

20 A Yes, sir.

21 THE MASTER: -- is what objection, it
22 was a double question, did O. P. Carrillo or
23 Ramiro Carrillo, now which one are you talking
24 about?

25 MR. ODAM: Let me rephrase the question.

1 Q And now listen to what the question is, so you
2 can give an answer that is responsive.

3 A Yes, sir.

4 Q What objection, if there was any objection, that
5 Ramiro Carrillo ever posed to you about taking
6 things from the Farm and Ranch Store, did he
7 ever object to that?

8 A No, sir.

9 Q What objection did O. P. Carrillo ever make to
10 you, to say, if he did, "Don't take anything from
11 the Farm and Ranch Store". Did he ever object?

12 A No, sir, he never did say anything to me.

13 Q All right. Mr. Haynes has referred to -- did
14 O.P. Carrillo accuse you of stealing from the
15 Farm and Ranch Store?

16 A Not that I remember, sir.

17 Q Well, what was -- is there anything that you
18 could have been taking that they -- that you did
19 not pay for that they would accuse you of steal-
20 ing?

21 A I never did take anything, sir, I mean everything
22 I took, I bought it and I paid for it and I mean
23 big items, but I never did take anything.

24 Q Now, Mr. Haynes also asked you questions about
25 whether or not you had occasion to -- that you

1 personally have talked with O. P. Carrillo for
2 a long period of time. It is your testimony that
3 you did not.

4 The other side of that is, has O. P.
5 Carrillo, what has been his response to you, has
6 he greeted you?

7 A I greet him every time I see him, if he don't
8 greet me, it is okay for me, I am not going to
9 get anything out of it, I mean --

10 Q Has he been friendly towards you?

11 A I have never talked to him, but every time I
12 see him I raise my hand and speak to him, that
13 is all.

14 Q Is he responsive to you? Does he acknowledge you?

15 A No. I don't think so.

16 Q Now finally Mr. Haynes asked if it was your purpose
17 to hurt O. P. Carrillo. Is it your purpose today
18 in this proceeding, was it your purpose coming
19 here today under subpoena to hurt O. P. Carrillo?

20 A No, sir.

21 Q Was it your purpose in the federal trial that he
22 referred to hurt O. P. Carrillo?

23 A No, sir.

24 Q What is your purpose, when you were subpoenaed
25 up to the House of Representatives to hurt O. P.

1 Carrillo was that your purpose?

2 A No, sir.

3 Q Was it your purpose to do anything besides tell
4 the truth?

5 A That's right, sir, they called me, I wasn't going
6 to lie. They asked me if I knew something like
7 this and that, and I told them yes and if I did
8 it this way and I told them yes.

9 Q Do you have hate or any vengeance in your heart
10 for O. P. Carrillo?

11 A No, sir, I don't have hate for nobody right now
12 because nobody has ever hurt me that much, I
13 mean just for a little thing like that, I wouldn't
14 hate him, I mean --

15 MR. ODAM: Pass the witness.

16

17

18

19

RE - EXAMINATION

20

BY MR. HAYNES:

21

22

Q Mr. Gonzalez, do you remember in Austin, Texas,

23

giving some testimony on the 20th of May of

24

1975 about the items that you took from the Farm

25

and Ranch Store over the period of time that you

1 were there, do you remember that question?

2 A Yes, sir.

3 Q -- being asked of you?

4 A Yes, sir.

5 Q Do you remember what you told those people in
6 Austin, Texas, as to how you handled the business
7 of taking things from the Farm and Ranch Store
8 that you thought you were entitled to?

9 A Well, I just told them that sometimes I took --

10 Q No, excuse me, do you remember telling them?

11 A Yes, sir.

12 Q Now, do you remember telling them what you told
13 them as to the things you would take and how you
14 would take them from the Farm and Ranch Store
15 over the period of years?

16 A Yes, sir.

17 Q Would you tell us please what you told them in
18 Austin?

19 A Well, to the best that I can remember, I told
20 them that I could -- that I would take, let's
21 say the truck that I was driving to go to work
22 and to go to the bank, they needed some spark
23 plugs and I would get the spark plugs and get
24 them in the truck or points or a battery.

25 Q All right.

1 A But that truck, you know, I used it for the --

2 Q Excuse me, excuse me.

3 A Okay.

4 Q But let me follow you a little bit. You would
5 take the spark plugs?

6 A Yes, sir. Whatever --

7 Q The points, the battery?

8 A Yes, sir, whatever the truck --

9 Q You took gasoline?

10 A Well, the gasoline --

11 Q Or did you not? Did you take a can of gasoline
12 and put it in your truck or O. P. Carrillo's
13 gasoline and put it in your truck?

14 A Ramiro gave me permission to get about ten gallons
15 of gas about once a month or whenever I needed it.

16 Q Isn't it true that you testified here before that
17 you took about ten gallons of gasoline per week?

18 A I put it in the truck right there.

19 Q I understand, but you took about ten gallons a
20 week, not a month?

21 A Not ten gallons a week, I couldn't use ten gallons
22 a week. I just went to work.

23 Q Didn't you drive into San Diego, Texas, a lot,
24 sixteen miles?

25 A No, sir.

1 Q Around Benavides?

2 A Well, sometimes they send me to get parts in
3 Alice.

4 Q All right.

5 A But that is in --

6 Q All right, did you take ten gallons of gasoline
7 a week or ten gallons a month?

8 A Well, I don't --

9 Q It is up to you, you don't remember what you told
10 them in Austin, do you?

11 A I really don't, sir.

12 Q What do you want to tell this court as to how
13 many gallons of county gasoline you took either
14 a week or a month?

15 A Well, just if I -- if I -- let's say whenever I
16 was low on gas I would go and get ten gallons and
17 I would just run until that last me.

18 Q All right, do you remember what you told them in
19 Austin, Texas, in May of 1975 about the things
20 you took from the Farm and Ranch Store over the
21 period of time that you worked there?

22 A Just the --

23 Q The little things you said you would tak if you
24 needed them for your own use and that you took
25 them because you thought you deserved it?

1 A Well, that truck belonged to the Farm and Ranch,
2 that is what I --

3 Q You put gas in your own truck, didn't you?

4 A It was not my truck, it was their truck.

5 Q Well, you still have it, don't you?

6 A Yes, sir.

7 Q Well, you consider it your truck, don't you?

8 A No, sir, I just --

9 Q Why do you have it?

10 A It is a junk. It is right there, if they want
11 it, they can have it back right now.

12 Q All right, Mr. Gonzalez. When you talked to him
13 in Austin, you admitted taking little things
14 from the Farm and Ranch for your own personal use,
15 didn't you?

16 A That is correct, sir.

17 Q And you admitted doing that over a period of
18 years, didn't you?

19 A Well, yes.

20 Q Ever since you started working there, if you
21 needed something for your own personal use,
22 you took it, didn't you?

23 A Yes, sir.

24 Q And you never made any record of it, did you?

25 A No, sir.

1 Q And you never told anybody about it, did you?

2 A Well, Ramiro gave me permission to do it whenever
3 I needed something to get it, he gave me permis-
4 sion.

5 Q Did you go to him each time?

6 A No, sir.

7 Q And say that you needed a battery?

8 A I didn't have to.

9 Q You didn't tell them anything at all in Austin
10 about Ramiro telling you you could take things,
11 did you?

12 A They didn't ask me.

13 Q The truth of it is whenever you -- since you
14 didn't get paid any from the Farm and Ranch, and
15 you did work for them, you thought it was okay
16 for you to take little things from the Farm and
17 Ranch Store if you needed them, didn't you, and
18 you did, didn't you?

19 A I did, yes, sir.

20 Q All right, now when we -- counsel asked you about
21 Mr. Couling, now, Mr. Couling, the man you went
22 to work with in May of 1974 is also the man from
23 whom you are now buying your business, isn't he?

24 A Yes, sir.

25 Q And when you went to work for Mr. Couling, were

1 you also drawing your salary from the county as
2 a welfare officer?

3 A That is correct, sir.

4 Q So, even after you left the Farm and Ranch Store
5 you were working for Couling and working for the
6 county at the same time, weren't you?

7 A Well, he loaned me his place for an office.

8 Q Were you or not?

9 A Yes, sir.

10 Q All right, whether he loaned you his place or not,
11 you were working for Mr. Couling and you were
12 working for the county and you were taking a salary
13 from the county, weren't you?

14 A Yes, sir.

15 Q All right, and the truth of it is the welfare
16 business that you were doing after you went to
17 talk to Mr. Parr was something that you were
18 already familiar with?

19 A That's correct, sir.

20 Q I mean you had been doing that and were familiar
21 with the protocol and could do the job, isn't
22 that correct?

23 A Well, I did part of it for Ramiro Carillo, yes,
24 sir.

25 Q During the period of time you had been assuming

1 the duties for Ramiro Carillo, you had taken care
2 of the welfare program, you had been able to func-
3 tion as a welfare officer even before you were one?

4 A No, sir, Ramiro was the one that was in charge.

5 Q You took care of it. I think you said?

6 A Well, I just made out the forms.

7 Q You made out the forms?

8 A Yes.

9 Q And you issued the chits and did so on and so
10 forth?

11 A Did what?

12 Q Issued the papers, the documents to the merchants
13 so that they could collect their money from the
14 county?

15 A Well, if Ramiro would okay it, yes.

16 Q Well, the truth of it is you were doing everything
17 then while you were working for the Farm and Ranch
18 that you were doing later or that you were later
19 to do as a welfare office yourself so you didn't
20 have to re-earn the job, in other words?

21 A That is correct yes, sir.

22 Q Now, working with Mr. Rudolfo Couling, Mr.
23 Gonzales, you were also at the same place where
24 the water district is now located?

25 A They got there -- yes, sir, they got --

1 Q That is right, there in Mr. Couling's store, and
2 your store, is your store now?

3 A Yes, sir, the merchandise is mine and the build-
4 ing is not.

5 Q The merchandise is yours?

6 A Yes, sir.

7 Q The building is Mr. Couling's?

8 A Yes, sir.

9 Q You are paying Mr. Couling for it?

10 A Yes, sir.

11 Q And the water district is right there in the
12 building?

13 A Yes, sir, they got their office there, yes, sir.

14 Q All right, and in that same group, that is, of
15 associates who hang out at Mr. Couling's or who
16 use Mr. Couling's facilities and your facilities
17 as headquarters, you have Mr. Oscar Sanchez, he
18 is in and out of there, isn't he?

19 A He worked for the water district, yes, sir.

20 Q You see him every day, don't you?

21 A Yes, sir.

22 Q We have Mr. Ruben Chapa?

23 A Yes, sir.

24 Q He is in and out of Mr. Couling's every day because
25 he is a part of that water district?

1 A Yes, sir.

2 Q We have Mr. Vincent Chapa?

3 A Yes, sir.

4 Q He is in and out of there, is he not?

5 A Yes, sir.

6 Q We have Mr. Francisco Ruiz, he is in and out
7 of there every day, is he not?

8 A Yes sir.

9 Q And again we have Mr. Rudolfo Couling, who up
10 until the time of the federal court was in and
11 out of there a lot?

12 A No, sir, I never did see him in there.

13 Q You mean after you bought the store he didn't come
14 in?

15 A Well, he just comes to buy something from me but
16 that is all. But he never stays there, he never
17 go out, in fact, I never see him in town, he is
18 afraid, I guess.

19 Q Every since he testified in the federal court?

20 A Yes, sir.

21 Q Well, of course, you are not suggesting that he
22 is afraid that anything physically will occur to
23 him?

24 A Well, no, no, but I mean he didn't want to -- he
25 is afraid of he might be ashamed of the people or

1 something.

2 Q All right, well, you know, as a matter of fact,
3 because you live in that community that Mr.
4 Couling had to admit that he took money from the
5 county to give to his girlfriend, M'nerva Casas,
6 and so forth, that is one of the reasons?

7 A I don't know anything about that.

8 MR. ODAM: Your Honor, I object to
9 the relevancy of what Mr. Couling did.

10 THE MASTER: I sustain the objection
11 until he becomes a witness.

12 MR. HAYNES: I withdraw it.

13 THE MASTER: If he does.

14 Q Now, Mr. Rudolfo Chapa is also one of your colleagues,
15 in and out of the Benavides Implement and Hard-
16 ware Store?

17 A Yes, sir.

18 Q Also with the water district?

19 A Yes, sir.

20 Q One of the people who is a close associate of
21 yours is day to day contact?

22 A Yes, sir.

23 Q And one of those people who is aligned with you
24 and your political philosophy, that is of the
25 people in Benavides or Duval County who are trying

1 to pull the county together?

2 A That's correct, sir.

3 Q In fact all of those people I have just named
4 are political associates of yours, that is, people
5 in the community who are dedicated to the proposi-
6 tion of pulling that county back together?

7 A Well, we are all together, I mean we are not
8 political, I mean we are just friends, we work
9 together.

10 Q You are all politically active, aren't you?

11 A No, sir. What -- on what basis, I mean?

12 Q Well, about the same basis you are on, you are
13 an election official.

14 A Election official?

15 Q Well, election judge, something of that sort,
16 aren't you active?

17 A Well, what does that have to do with politics.
18 I mean --

19 Q Oh, all right. At any rate, all of these people
20 that I have mentioned are friends of yours?

21 A They sure are, yes, sir.

22 Q You see them every day?

23 A That's correct, sir.

24

25

1 Q You have discussed this case with various people
2 and talked about it to them?

3 A I don't see why not.

4 Q Well, yes, or no?

5 A Yes, sir.

6 Q And you have talked about the case with them before,
7 too, before you came here today?

8 A Well, we just --

9 Q Yes or no?

10 A Yes.

11 Q All right. And, of course, all of these people
12 I just named are witnesses in these proceedings
13 we are concerned with here today?

14 A They are involved somehow, otherwise they would
15 not be here.

16 Q And you know that too, don't you?

17 A Yes.

18 Q And you have talked about it?

19 A Yes.

20 Q And you have talked about it in a group, have you
21 not?

22 A No, sir.

23 Q Just got off one by one?

24 A Yes. We also laughed a lot.

25 Q You got it to going your way and the giggles are now

1 on your side?

2 A No sir.

3 Q At any rate, it is safe to say that these people
4 we just named are in the same political camp,
5 you are all voting the same way, are you not?

6 A I don't think so.

7 Q You don't talk about that?

8 A No, sir. If I want to help somebody, I help him
9 and if they want to help somebody, they do, we
10 don't care.

11 Q Is it true that one of the reasons why Mr. Parr
12 wanted you to be in that welfare spot is because,
13 since you are the one that issues the chits that
14 permit the merchants to be paid and permits the
15 services in the county, it puts you in a control
16 over the situation?

17 MR. ODAM: I object to the --

18 MR. HANES: It was a terrible question.

19 I will withdraw the question.

20 Q (By Mr. Hanes:) During the election, you did call
21 people you served on the welfare rolls and you
22 told them how to vote?

23 A That is not true.

24 Q You have been accused of that, have you not?

25 A Well--

1 Q Didn't some lady call you and say you were doing
2 that?

3 A Yes, sir.

4 Q And you were using the names of the people you were
5 giving welfare to and you were accused of that?

6 A Yes, sir.

7 Q You said you were not doing it?

8 A I was not doing it.

9 Q All right. Now, when you were working at the
10 Farm and Ranch over that long period of time, as
11 a county employee and as a Farm and Ranch employee
12 without salary, the Farm and Ranch also had a
13 salaried employee, didn't they, at the time in
14 1973?

15 A Not that I know of.

16 Q Did you know a man by the name of Patricio
17 Gonzalez?

18 A He was working for the county.

19 Q Was he also working for the Farm and Ranch?

20 A He didn't do much work.

21 Q Was he or not?

22 A He was not.

23 Q Have you ever said before he was?

24 A He was there.

25 Q Have you ever said before that he worked for the

1 Farm and Ranch under oath?

2 A What I meant was, he was there with me, but he
3 didn't do any work. He could not work. His job --
4 he was there with me. When I went out, he stayed
5 there. He had to be there because that was his
6 duty and it was just like me, I had to be there.

7 Q You are not answering my question, you are doing
8 a number on me.

9 A Okay.

10 Q The truth of it is, that there was a man by the
11 name of Patricio Gonzalez who worked in the store,
12 regardless of who paid him?

13 A True, sir.

14 Q You have admitted that under oath?

15 A I think I did.

16 Q Do you have any doubt about it?

17 A No, sir.

18 Q You know the man worked there, don't you?

19 A He was there, yes, sir.

20 Q When you had to leave, he took your place?

21 A Correct, sir.

22 Q So, whether he did the work properly or not, he
23 did work?

24 A True.

25 Q He was there up until he died in 1973?

1 A Correct, sir.

2 Q So, you were not there all along working for the
3 county and the Farm and Ranch, you had some help?

4 A He was there, but he didn t work.

5 Q Does it hurt you to say he helped you?

6 A He did.

7 Q The man is now dead?

8 A Yes, he did help me.

9 Q He helped you a little bit?

10 A Yes, sir.

11 Q At the time you first got your job in 1962, Mr.
12 Gonzalez, you went to see Mr. Parr, who was then
13 the county commissioner, and he got you the job?

14 A No, sir.

15 Q How did you first get your job?

16 A Ramiro Carrillo called me and said he had a job
17 for me.

18 Q Is it true that you went to see Mr. Parr and that
19 is how you got the job?

20 A No, sir.

21 Q Mr. Ramiro Carrillo was not a commissioner at the
22 time you went to work, was he?

23 A No, sir.

24 Q Now, during the period of time -- I think counsel
25 asked you about the time you went to work for the

1 Farm and Ranch Store and you were paid two twenty-
2 five a month?

3 A Correct, sir.

4 Q And you earned that amount of money up until --

5 A They kept on raising it a little bit.

6 Q What was your highest salary you made at the time
7 you quit?

8 A Five hundred dollars a month.

9 Q And during that same period of time, you were a
10 married man, were you not?

11 A Yes, sir, I was married when I started working.

12 Q And had three children?

13 A Yes, sir.

14 Q And during that same period of time, bought
15 yourself some ranches, didn't you?

16 A Well, yes, sir.

17 Q Have you said before you bought some ranches?

18 A Yes, sir.

19 Q And didn't you say before you had 80 acres?

20 A I have about 47 acres. That includes what I have
21 rented in all. In all, I have 30 acres I rented
22 from my relatives and mine is about 40 and that
23 is close to 80 acres, yes, sir.

24 Q That is the size of your ranch you have purchased
25 since you went to work in 1962 as a married man with

1 three children and went to work for two hundred
2 twenty-five dollars a month?

3 A Yes, sir. Can I explain?

4 THE MASTER: Yes.

5 THE WITNESS: The first piece of land I
6 bought was when my daddy passed away. He
7 left his insurance divided to three persons,
8 my sister and my mother and me. She gave me -
9 my mother gave me -- we were supposed to get,
10 well, close to \$2,000 each but my sister and
11 I told my mother we would give her the money
12 and she could give us what she wanted to out
13 of it. She gave us \$1,000. My daddy wanted
14 to have a piece of land, wanted me to, but
15 it was stolen by the Carrillos and it was
16 by that money that I bought this land with
17 this money. I can prove that.

18 The other piece of land I bought
19 from my other relatives and I bought it
20 from my uncles and I saved money and got
21 enough to buy a piece from one. I just
22 bought about 21 acres and I have been buying
23 from them little by little, the best I can.
24 I sell calves and I save money, but that is
25 not stolen money. I got everything where you

1 can see it.

2 Q You have all your records set up so they could
3 stand the closest scrutiny?

4 A Well, they are there.

5 Q You have indicated to this Judge before and this
6 Court you have no hostility against this man,
7 O. P. Carrillo?

8 A That is right, sir.

9 Q And when you were given a chance to explain how
10 you acquired your property, you could not resist
11 an opportunity to tell this Judge the Carrillos
12 had stolen a piece of land from your father?

13 A I said that because he accused me of stealing.

14 Q You are a vengeful man, aren't you?

15 A Yes, sir.

16 Q And that is why we got into this, because you are
17 hot-tempered?

18 A No, sir.

19 Q Calm and cool and collected, are you?

20 A Yes, sir.

21 Q Why did you see fit to tell this Judge that in
22 your opinion this man here, or his family, stole
23 property from your father?

24 A My daddy died with that thought.

25 Q Why did you tell that to the Judge?

1 A I had to explain.

2 Q Are you saying that explained how you acquired
3 your property?

4 A Yes, sir.

5 Q How did that have anything to do with how you
6 acquired your property?

7 A I told him that was what my father wanted: that
8 is what I meant, sir.

9 Q All right. I won't argue with you.

10 All right. Mr. Cleofus Gonzalez, you have just
11 accused the family, people you say were friends
12 of your family, of theft.

13 A I wish they had known what my daddy died with in
14 his heart. It was what they did.

15 Q What is it that you say he did that caused you
16 such intense hostility against the Carrillo family?

17 A What I just said here, I had to say, because you
18 asked me.

19 Q What do you say they did?

20 A They got this land from my daddy.

21 Q Stole your father's land?

22 A Correct.

23 Q Who stole your father's land?

24 A It is a long story.

25 Q Who do you say stole your father's land that

1 creates the basis for this hostility?

2 A His mother and father did.

3 Q His mother and father?

4 A Yes, sir.

5 Q You are talking about O. P. Carrillo's mother and
6 father?

7 A Yes, sir.

8 Q And that assumption on your part has created a
9 long-time hostility in your mind, you have resented
10 that since the death of your father?

11 A He didn't have anything and I just brought it up.
12 I mean I had to explain it.

13 Q You just got through telling us you hoped your
14 father could hear about this and know --

15 A I didn't mention my father, I said I wished his
16 parents would know this and get it called to their
17 attention. My father wanted to tell O. P.
18 Carrillo's mother why did she do this to him,
19 you know. It was a long story.

20 Q Your father always wanted to tell O. P. Carrillo's
21 mother why did you sell my property?

22 A Yes, you see, when my father came with O. P.
23 Carrillo's mother and father, they were teaching
24 at my grandparents' ranch, like they used to do,
25 and they were kind of related, my father and his

1 mother. When my daddy borrowed some money from
2 the Carrillos, because we had a funeral and he had
3 to pay for it and they loaned him \$150, and when
4 he came back from that funeral, they had these
5 papers already made out and O. P.'s mother told
6 my father that is what he told my father, look --

7 Q When was this?

8 A 1930 something.

9 Q When you were a small boy?

10 A I guess I was born. My father told me all of this
11 story.

12 Q Your father worked for the Carrillos up until the
13 1950's, mid-'50's?

14 A Yes, sir.

15 Q You are telling this court he had this hostility
16 all this time?

17 A No, sir, my father didn't hurt nobody, he was a
18 timid person.

19 THE MASTER: Mr. Hanes, you didn't
20 break in the 15 or 20 minutes you indicated
21 yesterday.

22 MR. HANES: I am near the conclusion.

23 THE MASTER: It is break time, if we
24 might.

25 MR. HANES: Yes, Your Honor, that might

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permit me to speed it up.

(Short recess was taken.)

THE MASTER: All right. Let's continue on the record. You may proceed.

Q (By Mr. Hanes:) Mr. Gonzalez, I believe one of the last things you said prior to the recess was that you have kept an account of all the expenditures you had in order to improve your own property, your 80 acres?

A Yes.

Q I gather, though, you did not keep a record as to the items you took from the Farm and Ranch Store when you were a non-salaried employee there?

A Well --

Q Just answer yes or no.

A No.

Q You have no record to show what it was that you took, wire or staples or posts or whatever?

A I didn't take the wire.

Q You never did take any barbed wire?

A No, sir.

Q You did indicate you felt like you were entitled to take these little things under five dollars?

A For that truck that belonged to the Farm and Ranch,

1 that I was using as my personal truck.

2 Q You had the use of the truck?

3 A Yes, I could use it.

4 Q And could you take it home with you?

5 A Yes, sir.

6 Q And you used it to improve your ranch property?

7 A Yes, sir.

8 Q You were getting something from the Farm and Ranch
9 Store for helping them during the day? Is that
10 correct?

11 A Is that supposed to help me support my family?

12 Q Well, you needed a truck to maintain your ranch?

13 A I have my own truck, too.

14 Q Did you have your own truck at the time you were
15 using the Farm and Ranch truck?

16 A Yes.

17 Q Why did you use the Farm and Ranch truck?

18 A I just used it occasionally.

19 Q You had it on the weekends?

20 A Yes, sir.

21 Q So you had two trucks then?

22 A Yes.

23 Q And you needed both of them?

24 A Yes, sir.

25 Q So you were getting something from this Farm and

1 Ranch store for your contribution to the Farm and
2 Ranch Store as a sort of office manager and
3 salesman and do-t-all type person?

4 A Yes, sir.

5 Q So it is not as though you got nothing from the
6 Farm and Ranch over that period of years, because
7 you did, and you didn't mean to imply you got
8 nothing for those years of effort?

9 A Well, if you want to say it that way, yes.

10 Q Well, you got the use of the truck?

11 A Yes, sir.

12 Q And you received a gift of a cow now and then from
13 the Carrillos?

14 A As a Christmas present, yes.

15 Q They gave it to you, didn't they, and they didn't
16 give those to everybody, did they?

17 A Well, they gave it at Christmas.

18 Q But it was compensation for your job there?

19 A I guess.

20 Q Well, there is no guess about it, you got the cow
21 every Christmas, didn't you?

22 A Not every Christmas.

23 Q Didn't it help you build up your herd?

24 A No, sir, one cow?

25 Q You got one cow?

1 A One bull.

2 Q Bull, it was a bull?

3 A It was an eight-month-old calf.

4 Q You got other Christmas bonuses of some sort?

5 A Yes, sir.

6 Q So it was not like you were compelled to steal
7 from the Farm and Ranch, because you were getting
8 some compensation for your efforts in their
9 behalf?

10 A Yes, sir.

11 Q Actually what you got there is better than the
12 five percent you got from Mr. Couling when you
13 worked at the Benavides Implement and Hardware
14 when you were also a county employee?

15 A Yes, but if they had paid me five percent, I
16 would be a millionaire by now.

17 Q You sold a lot of merchandise, while working for
18 Mr. Couling?

19 A No, sir.

20 Q I see what you are saying is if you had been paid
21 five percent at the Farm and Ranch Store?

22 A Yes, sir.

23 Q So you sought that as an opportunity to get back
24 at the Farm and Ranch again?

25 A Yes, sir.

1 Q Now, let's get back to the Benavides Implement
2 and Hardware. You received a lot more from the
3 Farm and Ranch than you received from the Hardware
4 when you were working there, didn't you?
5 A I don't think so.
6 Q You got five percent on the commissions of items
7 you sold when you went to work for Mr. Couling?
8 A Yes, sir.
9 Q How much have you made since 1974 from the
10 Benavides Implement and Hardware Store?
11 A From May to December I reported on my income tax
12 \$600
13 Q May to December, 1974, you made \$600 commission?
14 A More or less.
15 Q And that was five percent?
16 A Yes, sir.
17 Q Now, was that paid to you by check or cash or
18 things you took from the Benavides Implement and
19 Hardware?
20 A By check.
21 Q One or several.
22 A Several.
23 Q Did they represent commissions on sales to
24 governmental agencies?
25 A That is correct, sir.

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Q Sales to Duval County governmental agencies, you made sales to Duval County while employed by Mr. Couling and got five percent on those sales on commission?

MR. ODAM: We object to this line of questioning after he left the employment of the county and while working for the Farm and Ranch Store.

I don't see the relevancy of it as to this current employment.

THE MASTER: What is the relevancy concerning this employment with the Couling store?

MR. HANES: I don't know how we got into that, except the witness steered me that way.

I will move onto something perhaps relevant.

Q (By Mr. Hanes:) If I understand your testimony, then, Mr. Gonzalez, the good fortune that you have experienced since leaving the Farm and Ranch in 1974 has nothing to do with politics, but is simply a matter of the personal frugality and acumen in management, is that correct?

A Yes, sir.

1 Q Counsel asked you if you were subpoenaed to appear
 2 in San Antonio, Austin and in Federal Court in
 3 Corpus and your response was in the affirmative,
 4 but is it true that after the time you quit the
 5 Farm and Ranch Store that you voluntarily, without
 6 the benefit of a subpoena, had some conferences
 7 with Internal Revenue Service agents?

8 A Yes, well, yes.

9 Q Did you or not?

10 A Yes. They were checking them.

11 Q And you didn't require any subpoena to go to
 12 Alice, Texas, after 5 o'clock in the afternoon and
 13 have a long session with the Internal Revenue
 14 agents, did you?

15 MR. ODAM: Your Honor, I object to the
 16 relevancy -- this is not an IRS case,
 17 perhaps this line of questioning was in the
 18 case over in Federal Court, but I don't see
 19 the relevancy here.

20 MR. HANES: If the Court please, I
 21 might respond.

22 THE MASTER: You don't need to. The
 23 objection is overruled.

24 MR. HANES: All right.

25 THE MASTER: I assume it is again

1 going to bias and prejudice.

2 MR. HANES: It is, Your Honor.

3 Q You may answer that question, if you recall what
4 it was. Do you, do you remember what the question
5 was?

6 A About what?

7 THE MASTER: About going to Alice,
8 Texas, to visit with the IRS agents
9 voluntarily after 5 o'clock in the
10 afternoon. Generally, that was the question,
11 I think.

12 MR. HANES: That is correct.

13 Q Do you remember doing that?

14 A Yes.

15 Q All right. You -- it didn't require any subpoena
16 for you to go over there and do that, did it?

17 A No, sir.

18 Q Just called you on the phone or they called you
19 back and you went over there, right?

20 A Well, they told me that if I -- if they wanted to
21 talk to me.

22 Q And you went over there without a subpoena, didn't
23 you?

24 A I didn't have a subpoena, that is right, sir.

25 Q All right. And you made whatever disclosures you

1 could make that you thought might be detrimental
2 to O. P. Carrillo?

3 MR. ODAM: Your Honor, I object to the
4 form of the question asked as to whether or
5 not it was detrimental or not detrimental
6 is leading in the worst form, whether or
7 not it was detrimental.

8 THE MASTER: I thought he had the right
9 to lead this witness. The objection is
10 overruled.

11 Q Isn't that correct, Mr. Gonzalez?

12 A Will you ask me that question again, sir?

13 Q Well, you went over to Alice, Texas, and had a
14 long conference with the Internal Revenue agents
15 after 5 in the evening, didn't you?

16 A Well, they just tell me --

17 Q Well, did you, yes or no?

18 A Yes.

19 Q All right. And as a matter of fact, according to
20 you, they have a recorder there and you told it
21 all into a tape recorder, didn't you?

22 A Yes, sir.

23 Q Did they ever permit you to have a copy of that?
24 Do you have a copy of it now someplace so that we
25 might hear it?

1 A No, sir.

2 Q At that point in time, you told those people every-
3 thing bad that you could think of about O. P.
4 Carrillo, whether it was true or not, didn't you?

5 A No, sir.

6 Q You didn't?

7 A No, sir.

8 Q You held some things back or did you make a
9 full disclosure to them at that time of all of
10 these things you knew?

11 A They had everything written down, they were just
12 going over them, they had them all ready. Did
13 you do this -- is your name Cleofus Gonzalez,
14 just right now here they have everything, they
15 had everything written down, they were just asking
16 them over.

17 Q Of course, you had had some conferences with them
18 before that, hadn't you?

19 A Well, a lot of IRS investigators went there and
20 they got notes and I guess they put them there
21 and they asked me then --

22 Q Well, don't guess about how this happened, please,
23 sir.

24 A I am not guessing. That is the way -- that is the
25 way it was done.

1 Q All right. When did you go to Alice, Texas, after
2 5 and have your long conference with the IRS
3 people that was recorded?

4 A I don't recall the date, sir.

5 Q It was at a time, was it not, immediately after you
6 left the Farm and Ranch in 1974?

7 A I can't say yes or no to that question.

8 Q And it was at that time when you, yourself, were
9 concerned with the personal prospects for criminal
10 prosecution by the IRS, were you not?

11 A I didn't understand your question, sir.

12 Q All right. Weren't you concerned that you might
13 incriminate yourself when you talked to the IRS
14 and didn't you ask them about that?

15 A No, I didn't ask them.

16 Q No, didn't you ask the IRS if there might be some
17 chance you would incriminate yourself? Don't you
18 remember telling the people in Austin that you
19 said that?

20 A I don't remember, sir.

21 Q Well, did you or not?

22 A I don't remember.

23 Q Well, do you remember asking the IRS people if
24 you -- what would happen to you if you
25 incriminated yourself?

1 A I don't remember asking that.

2 Q And you don't remember saying that at Austin?

3 A No, sir, probably I said it, but I don't remember
4 that is what I am --

5 Q Well, why would you have said it in May of 1975?

6 MR. ODAM: Well, Your Honor --

7 Q -- if you don't remember?

8 MR. ODAM: Your Honor, I do not mean to
9 continually interrupt, I can see the Court's
10 ruling on the relevancy on bias and
11 prejudice, but if this man did in fact talk
12 to the IRS agents and if he in fact asked
13 them about whether or not the statements
14 would be incriminating, I don't see the
15 relevancy to that to even the matter of bias
16 and prejudice.

17 THE MASTER: I think if the last
18 question were re-read, Mr. Hanes, you would
19 withdraw it.

20 MR. HANES: All right, Your Honor.

21 THE MASTER: If you don't believe me,
22 I will ask him to re-read it.

23 MR. HANES: I was not satisfied with it
24 myself, Your Honor. Let me ask it again
25 from the book.

1 Q Let me get back to this, Mr. Gonzalez, in addition
 2 to having some long-time hostility against the
 3 Carrillos for stealing your family's land, you
 4 were concerned after you quit working at Precinct
 5 3, and for the Carrillos, with the possibility
 6 that the Internal Revenue people might prosecute
 7 you for something you had done or that they had
 8 thought you had done, isn't that true?

9 A No, sir.

10 Q Well didn't you -- do you recall testifying in
 11 Austin, Texas, on the 20th of May, 1975? Do you
 12 recall telling the members of the House Committee
 13 that you asked the Internal Revenue people, "What
 14 would happen if I incriminated myself?" Do you
 15 remember that?

16 A I just told you I didn't remember that, sir:
 17 probably I --

18 Q Do you remember saying that to the Internal Revenue
 19 people at that time you were getting over into --

20 A I don't remember, sir.

21 Q Have you suffered some serious head injury or
 22 something that causes your memory to be --

23 A Just the question you are asking me right now.

24 Q Well, surely you remember if at any time you were
 25 ever concerned with the possibility that the

1 Internal Revenue might prosecute you?

2 MR. ODAM: Your Honor, I object, I
3 reurge the --

4 THE MASTER: I don't see the relevancy
5 of any bias or prejudice issue or any other
6 issue whether or not he might be subject
7 to prosecution. If you can explain it to
8 me, I will be happy to have it explained
9 to me.

10 MR. HANES: All right, Your Honor.
11 Our position is that he did have such a
12 concern and that he was advised by the
13 Revenue people that he would have nothing
14 to worry about so he has in effect a double
15 motive; that is, if he cooperates with the
16 IRS, he would not be personally prosecuted
17 plus the fact that he had some personal
18 hostility and animosity against the
19 Carrillos for these various other reasons.

20 THE MASTER: I do not see the relevancy
21 of the first aspect that is if he was
22 granted some sort of an informal immunity.
23 The last, of course, you have --

24 MR. HANES: I have developed that.

25 THE MASTER: You have developed that.

1 MR. HANES: For the record, then, we
2 would refer to the questions and answers
3 located on page 147 of volume one of the
4 transcript of proceedings before the House,
5 Your Honor, beginning at line 16, as a part
6 of the record that has been by the ruling
7 of the Court excluded.

8 THE MASTER: Now, I have not heard it,
9 I can't accept that.

10 MR. HANES: I am sorry.

11 THE MASTER: I don't know, when you
12 make a bill, I am frequently one who changes
13 his mind on the bill.

14 MR. HANES: All right, Your Honor.

15 THE MASTER: I just have to hear it.

16 MR. HANES: May I make this, then, for
17 the purposes of the record?

18 THE MASTER: Yes, sir.

19 MR. HANES: May I approach the witness?

20 THE MASTER: Yes, sir.

21 MR. ODAM: Is it my understanding,
22 Your Honor, that Mr. Hanes is offering this
23 for the purposes of the bill of exceptions?

24 THE MASTER: That is correct.

25 MR. HANES: Yes, sir.

1 THE MASTER: And after it has been
2 developed, I may admit it.

3 Q (By Mr. Hanes:) You have indicated, Mr. Gonzalez,
4 that you don't remember what you said in May about
5 whether you had ever concerned yourself with
6 being -- saying something incriminating to the IRS?

7 A Correct, sir.

8 Q Do you remember this question being asked of you
9 at page 147, "At that time that you had your
10 conversations with the IRS agents, did they tell
11 you that anything that you might tell them might
12 be held against you?"

13 Do you remember that question being asked of
14 you in Austin in May of 1975 and -- did I read
15 that accurately?

16 A I really don't, sir.

17 Q Did I read that accurately from page 147 of the
18 transcript?

19 A Yes, sir. I don't remember but things -- let me --

20 Q All right.

21 A -- let me tell you something, it was the first
22 time I have ever been testifying.

23 Q No, it wasn't, you had already been to San Antonio,
24 hadn't you?

25 A Well, yes, I mean --

1 Q It wasn't the first time you testified, was it?

2 A Okay.

3 Q All right.

4 A Yes, sir.

5 Q You testified before, hadn't you?

6 A Yes, sir.

7 Q All right. And then you tell them there beginning
8 at line 16 on page 147, "Well, they said if I said
9 the truth that nothing -- I asked them that, yes,
10 I told them what will happen if I incriminate
11 myself, they said nothing will happen to you, just
12 saying the truth, nothing but the truth, that is
13 what they told me." Now, is that the response you
14 gave? Do you remember it now?

15 A No, sir.

16 Q But you did say that if I read it accurately?

17 A If it is there, I did, sir.

18 Q All right.

19 A But I don't remember it, really. I am telling
20 you the truth, I don't remember it.

21 Q Does that serve to make you remember now that you
22 did have some concern at one time that you might
23 be incriminated by the IRS?

24 A I wanted to protect myself.

25 Q Well, do you remember, now, that you wanted to

1 protect yourself?

2 A Sure.

3 Q Does that cause you to remember?

4 A Sure.

5 Q Okay.

6 A I just wanted to --

7 Q So you were cooperating at that point in time with
8 the Internal Revenue because you knew at that point
9 in time they were investigating O. P. Carrillo,
10 isn't that correct?

11 A Well, sure.

12 Q All right. And, so, you are really killing two
13 birds with one stone, weren't you, because if you
14 get rid of O. P. Carrillo, then the people that
15 you were politically allied with would be in the
16 superior position in Duval County and O. P.
17 Carrillo would be fraught with the problems of
18 the Internal Revenue and his other investigations?

19 A That is not so.

20 Q You understand exactly what I am saying?

21 A Yes, sir.

22 Q All right.

23 A But that is not the way I --

24 Q All right. And you knew --

25 A I went for some other reasons over there.

1 Q What about your other reasons for going over there?

2 A Well, that I was seeing that he was doing a lot of
3 things wrong.

4 Q Of course, you had been there since 1962, hadn't
5 you?

6 A Yes.

7 Q Are you saying that all of a sudden you began to
8 see things that were being done wrong and that is
9 why you went to the IRS?

10 A I saw them, they were wrong since I started, but
11 I couldn't do a thing about it, sir.

12 Q What caused you to be able to do something about
13 it when you went over and joined the Parr camp?

14 A No, I mean I didn't -- who could we go to, I mean--

15 Q Well, who could you go to after you joined the
16 Parr camp?

17 A I never joined the Parr camp. I did it for my own.

18 Q Now, wait a minute.

19 A No, I'm not --

20 Q Mr. Gonzalez, you quit because you had an argument
21 with O. P. Carrillo about not paying for the auto
22 parts thing?

23 A That is not --

24 Q Isn't that what you told that lawyer?

25 A That is not so. That is not so because I was not

1 working for O. P. Carrillo.

2 Q That is why you walked off that day and didn't
3 come back, isn't it?

4 A Sure, I didn't have no business there. I was not
5 working. I wasn't getting paid from the Farm and
6 Ranch Supply, why should I be there taking some
7 crap from him.

8 Q Why should you be there and take some crap from him?

9 A Yes.

10 Q All right. That was exactly your feeling and you
11 didn't, you walked off, didn't you?

12 A Yes, sure. Well --

13 Q Up to that point in time, though, you hadn't seen
14 fit to go and report any of that, of any of what
15 you thought to be wrongdoings to anybody in
16 authority, had you?

17 A Before that?

18 Q Yes, you hadn't told a living soul on God's earth
19 that you thought anything was going wrong at the
20 Farm and Ranch Store, did you?

21 MR. ODAM: Your Honor, I would object
22 to being argumentative but I understand
23 until the Master indicates otherwise that
24 we are still on the bill of exception and
25 I will just let all of this go in for

1 purposes of posterity.

2 THE MASTER: I am not sure we are still
3 on the bill, are we, Mr. Hanes?

4 MR. HANES: Technically, I think he is
5 accurate. When I asked him a question about
6 page 147, that was the end of that.

7 THE MASTER: I believe that is correct.

8 MR. HANES: I didn't hear anything from
9 the Court.

10 THE MASTER: But I do believe this is
11 repetitious.

12 MR. HANES: All right, Your Honor.

13 Q Now, the truth of it is, Mr. Cleofus Gonzalez,
14 that during the period of time when you in fact
15 worked at the Farm and Ranch Store, that Judge
16 Carrillo was very seldom there?

17 A He was there.

18 Q But seldom he wasn't there every day, was he?

19 A Not every day but --

20 Q He wasn't even in there every week, was he?

21 A He probably went once every week in there.

22 Q You say probably went, the truth of it is, and
23 didn't you say Mr. Gonzalez that he came there
24 perhaps once a month? Do you remember saying
25 that, now did you or not?

1 A I don't remember.

2 Q Okay. Well, did he come there once a month or
3 once a week?

4 A He went there once a week.

5 Q All right. Now, you want to say once a week?

6 A Yes, sir.

7 Q And he didn't have anything to do -- do you want to
8 stick to that once a week?

9 A Yes, sir.

10 Q And you remember that during the entire time you
11 were there, that Judge Carrillo -- O. P. Carrillo
12 would come in once a week?

13 A Yes, sir.

14 Q Which day, generally, Monday, Friday, Wednesday?

15 A I can't say what day.

16 Q All right.

17 A But he was there.

18 Q In the afternoon, morning?

19 A I can't say when.

20 Q -- nighttime?

21 A He was there.

22 Q You remember seeing him, though, once a week without
23 fail?

24 A That's right, sir.

25 Q The truth of it is, that Ramiro Carrillo ran the

1 Farm and Ranch Store, did he not?

2 A That's correct, sir.

3 Q And he was there every day, wasn't he?

4 A He was there, sir, yes, sir.

5 Q You got your instructions on the running of the
6 Farm and Ranch Store from Ramiro Carrillo, didn't
7 you?

8 A That's correct, sir.

9 Q You got your instructions on how to handle the
10 other county business from Ramiro Carrillo,
11 didn't you?

12 A That's correct.

13 Q Mr. Ramiro Carrillo instructed you in all of your
14 activities there while you were at the Farm and
15 Ranch Store?

16 A That's correct, sir.

17 Q And according to you, you didn't move a peg until
18 you checked with Ramiro Carrillo to find out if it
19 was okay with him, is that right?

20 A That's correct, sir.

21 Q And people came in with their welfare things, you
22 would check with Ramiro Carrillo?

23 A That's correct, sir.

24 Q Not O. P. Carrillo?

25 A Yes, sir.

1 Q Ramiro Carrillo ran that whole show with the welfare
2 checks and with the county?

3 A That's correct, sir.

4 Q And he ran the Farm and Ranch Store?

5 A That's correct, sir.

6 Q All the things you did, you did first by checking
7 with Ramiro Carrillo?

8 A That's correct.

9 Q And you didn't check with this man, O. P.
10 Carrillo, on how to run the Farm and Ranch Store,
11 did you?

12 A No, because --

13 Q All right, and you didn't check with O. P.
14 Carrillo on how to run the welfare work that you
15 were doing while you were at the Farm and Ranch
16 Store, did you?

17 A No, sir.

18 Q You checked with Ramiro, didn't you?

19 A Yes, sir.

20 Q All right.

21 MR. HANES: I think that's all the
22 questions I have, Your Honor. I pass the
23 witness.
24
25

R E - E X A M I N A T I O N

1
2
3 BY MR. ODAM:

4 Q Mr. Gonzalez, I believe on recross-examination by
5 Mr. Hanes, that you stated something of the
6 effect before the break about an hour ago that
7 you would, on a regular basis, take ten gallons
8 a week?

9 A Well, I didn't take them a week, sir, just as I
10 needed it, you see, sometimes --

11 Q Now where was this ten gallons taken from?

12 A First, we had to get some gasoline there at the
13 yard that belonged to the county. It was county
14 gasoline.

15 Q All right. The gasoline that was taken, we will
16 ask some questions about it, that was gasoline
17 that belonged to the County of Duval?

18 A Yes, sir.

19 Q Now, once the gasoline was taken out of the Duval
20 County pump, was this in the -- was this in the
21 what, the equipment yard?

22 A Yes, sir, yes, sir, where --

23 Q It was taken out of a pump into what truck was
24 that gasoline put?

25 A The Farm and Ranch truck.

1 Q And who -- to whom did the Farm and Ranch truck
2 belong?

3 A To Ramiro Carrillo and O. P. Carrillo.

4 MR. HANES: We are going to object
5 unless he knows of something other than
6 hearsay basis as to the ownership of that
7 truck. He is driving it and is now contending
8 it belongs to both of them.

9 THE MASTER: I sustain the objection.

10 MR. ODAM: I will reword the question.

11 Q It was put into a Farm and Ranch truck, I believe
12 you testified to?

13 A Yes, sir.

14 Q And I believe your earlier testimony was when
15 we first started out today, that something about
16 the ownership of the Farm and Ranch Store. Now,
17 let me ask you this: Do you have personal
18 knowledge as to whom the Farm and Ranch Store
19 belonged to?

20 A Yes, sir.

21 Q And to whom, to your own personal knowledge, did
22 the Farm and Ranch Store belong to?

23 A To Ramiro Carrillo and O. P. Carrillo.

24 Q And what is the basis for your testimony to this
25 Court that the Farm and Ranch Store belonged to

1 Ramiro and O. P. Carrillo? In other words, how do
2 you know it belonged to them?

3 A Well, I had the license, the store license there,
4 and I made that sales tax return every three months
5 and it says --

6 Q And who --

7 A It says they're owners, O. P. Carrillo and Ramiro
8 Carrillo.

9 Q And who instructed you to fill out the license?

10 A Mr. Ramiro Carrillo.

11 Q Okay. And so you would get the store license and
12 what other documents?

13 A I filled out those tax sales returns.

14 Q All right. And so the truck that the gasoline
15 went into belonged to the --

16 A Farm and Ranch Supply.

17 Q Was the truck marked?

18 A No, sir.

19 Q What type of truck was it?

20 A It is a '68 Chevrolet.

21 Q All right. Now, how often, is it your testimony,
22 that you would put the county gasoline into the
23 Farm and Ranch truck?

24 A Well, sometimes once a week and that would last me
25 for about three or four days or maybe a week or so.

1 It all depends on how many trips I have to make
2 out. Sometimes I had to go out --

3 Q Is it your testimony, then, that the frequency
4 that you did it was just how often that you needed
5 gasoline?

6 A That's correct, sir.

7 Q And so whenever you needed gasoline, you got it
8 out of the county pump?

9 A Yes, sir, I used to put ten gallons all the time,
10 just ten gallons.

11 Q And why did you put ten gallons of gas in the
12 truck? Were you instructed to do so?

13 A That is what Ramiro told me to do.

14 Q Ramiro Carrillo?

15 A Yes, sir.

16 Q Told you to put county gasoline in it?

17 A Yes, sir.

18 Q Now, when you put this county gasoline in the Farm
19 and Ranch Store truck, was that -- when did you--
20 what year did you begin doing that?

21 A Probably '68.

22 Q 1968?

23 A Yes, sir.

24 Q Because that is when you had the truck?

25 A Yes, sir.

1 Q Prior to --

2 A Well, no, I got the truck later, but I mean I had
3 another truck that belonged to them, an old truck,
4 you see.

5 Q But put gasoline in that, also?

6 A That's right, it was a panel truck, a 1959 panel
7 truck.

8 Q Prior to 1968, did you put county gasoline in the
9 old panel truck?

10 A No, sir.

11 Q So, you started in say 1968?

12 A Yes, sir.

13 Q And from 1968 until when, did you put the county
14 gasoline in the Farm and Ranch truck?

15 A Well, they stopped bringing gasoline to the county
16 yard and I had to go to the filling station, I
17 used to get gas from that Gulf service station or
18 from that Humble service station.

19 Q And when did they stop bringing gasoline to the
20 county yard?

21 A I don't remember, sir.

22 Q Would that be in 1969?

23 A No, it was in the '70's, probably --

24 Q 1971, '72?

25 A About '72 or '73.

1 Q What is your basis for saying it was 1972 or 1973?

2 A I don't get you right, you mean --

3 Q Why do you say it was probably in 1972?

4 A Well, it was not very long when I quit working
5 there at the Farm and Ranch, you know.

6 Q You quit working in 1974?

7 A In '74, yes, but let's say they quit bringing in
8 gasoline about a year before that.

9 Q Okay. In 1973?

10 A Yes, sir, I guess.

11 Q So when they stopped bringing the gasoline, you
12 stopped putting it in the county -- putting in
13 county gasoline?

14 A Ramiro told me to go to that Humble or Gulf
15 service station and used to get gasoline there
16 whenever I needed some, sign it Duval County, and
17 I signed my name on it.

18 Q Did O.P. Carrillo ever instruct you to put the
19 county gasoline in?

20 A In my truck?

21 Q In the Farm and Ranch Store truck?

22 A No, sir.

23 Q This truck Mr. Hanes asked you about that you --
24 he said that you used in your personal business,
25 was the Farm and Ranch Store truck used for the

1 business of the Farm and Ranch Store?

2 A Yes, sir.

3 Q Would you drive to San Diego in the truck for the
4 Farm and Ranch Store?

5 A Yes, sir, I had to go to make deposits and all of
6 that.

7 Q Did you go to any other cities other than over
8 to San Diego?

9 A Alice.

10 Q How far is San Diego from Benavides?

11 A 16 miles.

12 Q How far is Alice from Benavides?

13 A 24.

14 Q Anywhere other than San Diego or Alice?

15 A Sometimes I came over to Corpus Christi to pick
16 up some merchandise.

17 Q And when you would go out, let's say on the road,
18 let's say Corpus Christi, did you have occasion to
19 put gasoline in the truck then?

20 A Right there in the yard?

21 Q No, say when you would say go to Corpus Christi,
22 when you had to refill the tank?

23 A Sometimes if I needed some, I put out of my own
24 pocket a dollar or two, yes.

25 Q And when you were out and you would get it from

1 somewhere other than the county yard, where did you
2 get the money to put in the gasoline?

3 A From my pocket.

4 Q And when you started getting the gasoline at the
5 Gulf station there in Benavides after the county
6 no longer provided the gasoline, where did you get
7 the money to buy the gas then?

8 A From myself, my own money.

9 Q When you went to the Gulf station, did Ramiro
10 Carrillo give you any instructions about whether
11 or not to charge the county for that gasoline?

12 A Yes, sir. He told me just to go in any filling
13 station you want to and get 10 gallons of gasoline.

14 Q Well, how would that work when you would go to a
15 Gulf station, would you tell whoever had --

16 A I would just go there and tell them I needed --
17 give me ten gallons of gas and I would go in and
18 tell them to make out a ticket to precinct number
19 three in care of Ramiro Carrillo and I would sign
20 it and if I had to make a trip, I would write
21 trip -- if I had to make a long trip, a trip to
22 Corpus or something like that.

23 Q So, you would make out this -- and charge -- when
24 you were making a long trip in the Farm and Ranch
25 Store truck, you would write it out?

- 1 A Yes, sir.
- 2 Q And charge it to the county?
- 3 A Yes, sir.
- 4 Q Now, Mr. Hanes asked you about an employee of the
5 county by the name of Patricio Garza -- correction,
6 Patricio Gonzalez?
- 7 A Yes, sir.
- 8 Q Patricio Gonzalez, am I right on his name?
- 9 A Yes, sir.
- 10 Q Is he alive now?
- 11 A No, sir, he is deceased.
- 12 Q When did he die?
- 13 A Probably in '73, I guess, or -- I don't remember
14 sir, really the date.
- 15 Q Was he employed by the county?
- 16 A Yes, sir.
- 17 Q What is your basis for saying he was employed
18 by the county?
- 19 A Well, he used to fill up the truck with gas and
20 give them oil and sometimes when I was not there
21 he did what I am supposed to do.
- 22 Q So he worked there in the warehouse with you?
- 23 A Yes, sir.
- 24 Q He was the county -- was he a warehouseman?
- 25 A Yes, sir.

1 Q Like you were?

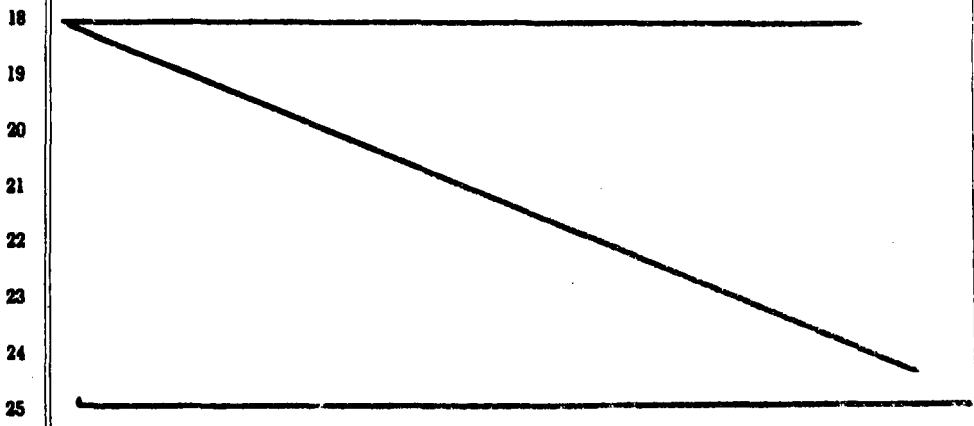
2 A Yes, sir.

3 Q And I believe Mr. Hanes asked you a number of
4 questions about whether or not he did work for
5 Farm and Ranch Store. Did Mr. Patricio Gonzalez
6 ever do any work for the Farm and Ranch Store?

7 A Well, I think -- yes, I mean he did some, since
8 he was there. I mean he helped me out a little
9 when I was not there he just stayed there, I
10 mean probably that is what he meant by working
11 there. You call that work, because when I was
12 not there, he took over.

13 Q In other words, you were not at the Farm and
14 Ranch Store doing the work, whatever work that
15 he did or whatever work was done, he did for the
16 Farm and Ranch Store?

17 A Yes, sir.



1 Q Are you hesitant to characterize it as work because
2 Mr. Gonzalez didn't do a whole lot of work?

3 A Yes, sir, that is right.

4 Q And you didn't want to say that about him.

5 A He was a good friend of mine.

6 Q My question is to you whether or not Mr. Patricio
7 Gonzalez did any work for the Farm and Ranch Store.

8 A Yes, he stayed there when I was not there.

9 Q Did he do any work while he was a county employee
10 at the store? When did he began to work for the
11 county government, to the best of your knowledge?

12 A About 68 or 67.

13 Q And he worked right on up until about 73?

14 A Yes, sir.

15 Q Was he working there in 1971?

16 A Yes, sir.

17 Q 72?

18 A Yes, sir.

19 Q What was the cause of his death?

20 A Heart attack.

21 Q Do you know of your own knowledge how much Mr.
22 Gonzalez was paid by the county, was it the same
23 as you started out with, two twenty-five?

24 MR. HAYNES: That would be hearsay.

25 THE MASTER: Sustained.

1 Q Now, Mr. Haynes asked you on recrossexamination
2 about that you got a raise when you went to work
3 for the county as a welfare officer.

4 A Yes, sir.

5 Q To what salary did you get a raise to?

6 A I was getting four hundred dollars and I told
7 Archer I needed a raise, because my family was
8 growing.

9 Q You got four hundred dollars?

10 A I was getting four hundred dollars and they gave
11 me a raise to five hundred.

12 Q Were you a warehouseman at the county at four
13 hundred dollar salary?

14 A Yes, sir.

15 Q And you got a raise to what?

16 A Five hundred.

17 Q So the increase you got was not from two twenty-five
18 up to five hundred?

19 A No, sir, it kept on adding.

20 Q Mr. Haynes has made some comments about your
21 stealing from the Farm and Ranch Store. I take
22 it from your previous testimony that you did not
23 steal from the Farm and Ranch Store?

24 A I didn't intend to, sir, I didn't have to. I
25 mean, I didn't have to steal to make my living.

1 Q On re-cross, he also asked you a number of ques-
2 tions about the statements you made to the Master
3 about the allegation that someone stole your
4 father's property, apparently this man's father.

5 A I hated to get into that, but I was forced into it.

6 Q Are you here testifying today out of vengence to
7 O. P. Carrillo for something his father did?

8 A No, sir, I had forgotten about that. It was
9 brought out here because I had to.

10 Q And you are not here testifying pursuant to this
11 subpoena because of that comment that you offered?

12 A No, sir, that doesn't have nothing to do a darn
13 thing with it.

14 Q Are you here seeking revenge against O. P.
15 Carrillo for something his father did years ago?

16 A No, sir.

17 Q Did Judge Carrillo -- I know you testified Mr.
18 Ramiro Carrillo instructed you to do certain things
19 and you testified Judge Carrillo occasionally came
20 out to the Farm and Ranch Store. Did Judge
21 Carrillo instruct you to do something?

22 A Yes.

23 Q What?

24 A To order something or send somebody to his ranch,
25 workers that worked with the county or something

1 like that.

2 O Mr. Haynes has, as I think Mr. Mitchell said,
3 opened the door on something about hauling grain.

4 I will refer you back to that testimony you
5 gave about hauling grain. It is your prior tes-
6 timony that you telephoned the proper authorities
7 at the DPS because you observed -

8 MR. HAYNES: Object to the question in
9 it's form. It is assuming facts that are
10 disputed.

11 MR. ODAM: I will rephrase.

12 Q Did you call the DPS?

13 A Yes, I did.

14 Q Why did you call them?

15 A Like I said the other day, because it burned me
16 up that some poor people were trying to fix up
17 their trucks to make money for their living and
18 here comes the county trucks hauling grain.

19 Q Well, the truck was not owned by the Judge?

20 A No, sir, just the grain.

21 Q Who was driving the truck?

22 A I don't recall.

23 O Whose grain was in the truck?

24 A O. P. Carrillo's.

25 Q How do you know that?

1 A I found out it was coming from the Borjas Ranch
2 where he planted grain.

3 Q From whom did you acquire that information?

4 A In fact, I was working for the Farm and Ranch
5 Store.

6 MR. HAYNES: That answer is not respon-
7 sive.

8 THE MASTER: The question was, in
9 effect or in substance, was what was the
10 source of your information that the grain
11 came from the Borjas Ranch, was that your
12 question?

13 MR. ODAM: Yes, sir.

14 THE WITNESS: I knew it was coming
15 from there. We go through that road to
16 rabbit hunt and we knew the combines were
17 working there and we saw them the day before.

18 Q The person driving the truck, was that an employee
19 of the Borjas Ranch?

20 A No, it was an employee of the county.

21 Q Now, it was a county employee driving a county
22 truck?

23 A Yes, sir.

24 Q And it is your testimony it was hauling Judge
25 Carrillo's grain?

1 A Yes, sir.

2 Q Where was the grain being taken?

3 A Alice Elevator.

4 MR. HAYNES: We object to that as
5 being hearsay. For all this witness knows,
6 it could have been going to Russia.

7 THE MASTER: I think he meant the
8 immediate distribution.

9 MR. HAYNES: Well, we do object to
10 that.

11 THE MASTER: Well, that is going to
12 be his next question, I believe.

13 MR. ODAM: Yes, sir.

14 Q (By Mr. Odam:) Mr. Haynes has asked you how you
15 knew that it was going to the Alice Elevator
16 instead of Russia. What is the basis for your
17 statement on that?

18 A It so happened that we asked somebody.

19 Q Who is we that asked somebody?

20 A Me and Ruben.

21 Q You and Ruben Chapa?

22 A Yes.

23 Q You asked somebody?

24 A Yes, one of the boys on the combine.

25 Q On the Borjas Ranch?

1 A Yes.

2 Q Who was that boy?

3 A Rogelio Sanchez.

4 Q Is he an employee of the ranch?

5 A Of the county. He is a county employee.

6 Q He is a county employee?

7 A Yes, sir.

8 Q Combining on the Borjas Ranch?

9 A Yes.

10 Q Was this during a week day?

11 A Yes, sir.

12 Q What is his job with the county?

13 A Well, he is a tractor operator.

14 THE MASTER: Well, now, there was an
15 objection unless the basis of the knowledge
16 was shown to be other than hearsay, the
17 testimony that the grain was going to the
18 Alice Elevator -- well, the objection is
19 sustained.

20 Q Did you go out to the Borjas Ranch and talk to
21 Rogelio Sanchez?

22 A No, sir.

23 Q Did you at any time talk with Rogelio Sanchez
24 about the grain that was combined out there?

25 A No, sir.

1 Q Your testimony was --

2 MR. HAYNES: That would be improper
3 basis.

4 MR. ODAM: I will rephrase the ques-
5 tion.

6 Q Do you know Rogelio Sanchez?

7 A Yes, sir.

8 Q Did you have occasion to talk with him about the
9 grain being combined out there?

10 A Yes, sir.

11 Q To the best of your own personal knowledge, was
12 Rogelio combining the grain on the Borjas Ranch?

13 A Yes, sir.

14 MR. HAYNES: We object to it, that is,
15 he had not himself visited the ranch and had
16 not seen Mr. Saenz on the ranch.

17 THE MASTER: I will ask, Mr. Odam --
18 Obviously Mr. Sanchez told him that and if
19 you are offering that to the truth, it is
20 not admissible.

21 MR. ODAM: All right, sir.

22 Q (By Mr. Odam:) When did you observe this county
23 truck with a county employee with some grain in
24 it going by and you called the DPS?

25 A I don't remember the date, sir, but it was sometime

1 when they were harvesting grain.

2 Q What year was it in?

3 A Probably a year ago, I guess, maybe two years.

4 Q Where were you working at that time?

5 A We were standing out in front of Benavides Imple-
6 ment.

7 Q So you were not a warehouseman at that time any
8 more?

9 A No, sir.

10 Q You were standing in front of the Benavides Imple-
11 ment?

12 A Yes, sir.

13 Q You say a year ago?

14 A A year or two ago.

15 Q 73?

16 A 74, I guess.

17 Q Was it after the time you left being a county
18 warehouseman?

19 A I think so.

20 Q Was it since 71?

21 A Well, they had been hauling grain and I can't tell
22 you how far back.

23 Q Well, was it since 71 that you saw that truck that
24 Mr. Haynes asked you about?

25 A I think -- this particular time that I called the

1 DPS?

2 Q Yes.

3 A It was probably 74.

4 Q Have you ever seen that truck that you talked
5 about again since that time?

6 A Yes, sir.

7 Q And where did you see that truck?

8 A It is in the county yard.

9 Q Mr. Haynes also asked you questions about getting
10 a bull from O. P. Carrillo?

11 A No, Ramiro Carrillo.

12 Q Okay. Was it your understanding that this was
13 your compensation for working at the Farm and
14 Ranch Store?

15 A No, that was at Christmas. He said, what do you
16 want for Christmas, and he said I have two good
17 calves, and he said if you want one, I will give
18 you one for Christmas. I said sure, I will take
19 one. That same day I told my boys and we went
20 out and picked it up and told his ranchhand that
21 was my bull that Ramiro had given it to me for
22 Christmas.

23 Q So you were still a county warehouseman at that
24 time?

25 A Yes, sir.

1 Q Was it your understanding at the time that your
2 compensation for working at the Farm and Ranch
3 Store was to be paid by taking these handfuls
4 of nails from time to time?

5 A No, sir.

6 MR. ODAM: Pass the witness.
7
8
9

10 RE-EXAMINATION

11 BY MR. HAYNES:
12

13 Q Mr. Gonzalez, is it not so that a beefmaster
14 calf is worth about five hundred dollars?

15 A If you get a good kind.

16 Q Well, you got a good one, didn't you?

17 A Well, it was not pure.

18 Q But naturally, you took the best one.

19 A Sure.

20 Q Sure -- well, I am not faulting you for that.

21 A Okay.

22 Q Do you recall testifying in Austin in May, 1975,
23 just several months ago, that you got ten gallons
24 of gasoline a week from the county pump and put
25 it in your car or your truck and their truck?

1 A I never put it in my car, sir.

2 Q Did you say that?

3 A I don't remember, sir.

4 MR. HAYNES: May I approach the wit-
5 ness?

6 THE MASTER: Yes, sir.

7 Q Page 117, Volume 1, let me show you here and see
8 if this stimulates your memory.

9 Line 21, page 117, "Did you ever do it,
10 did you fill your pickup up with gasoline?"

11 Answer: Yes, sir. Question: They used to fur-
12 nish -- Answer: I did, I used my own truck and
13 theirs. I used it to do county work. Mr.
14 Carrillo gave me about ten gallons a week. Ques-
15 tion: From the county pump? Answer: Yes, sir."

16 Did you say that under oath?

17 A You mentioned my car and it doesn't say my car,
18 my truck.

19 Q Well, your truck?

20 A I said it was mine, because I drove it all the
21 time.

22 Q Did you say I used my own truck and theirs?

23 A Yes, sir.

24 Q Did you say that?

25 A Yes, sir. I came in my own truck to Corpus.

1 Q So you got ten gallons of gasoline a week?

2 A Yes, to get equipment for the county and I have
3 something to prove it.

4 Q You have writing to show that?

5 A Yes, sir.

6 Q Do you have any writing to show those things
7 you picked up when you picked them up in the Farm
8 and Ranch truck?

9 A Yes.

10 Q Where did you put that down?

11 A I have a little book for important things I write
12 down.

13 Q Now, you have seen this, you remember that --

14 A You said my car. I never put gas in my car.

15 Q You put it in the truck?

16 A I was picking up parts for the county. I didn't
17 get paid nothing for the wear and tear on the
18 truck. I was making them a favor.

19 Q Who were you making a favor for, please, sir?

20 A The county people, but not charging them for the
21 use of my truck. I could turn it in for rental.

22 Q But you didn't do that?

23 A No, sir.

24 Q You just took their gasoline?

25 A Yes, the gasoline.

1 MR. ODAM: I object to this line of
2 questioning. I don't believe Mr. Cleofus
3 Gonzalez is the subject of our examination.

4 THE MASTER: I take it this is the
5 end of this line?

6 MR. HAYNES: It is, Your Honor.

7 Q (By Mr. Haynes:) You have indicated, Mr. Gonzalez,
8 that you got off into the area of testifying
9 against O. P. Carrillo because you were subpoenaed
10 and for no other reason and also when you called
11 the DPS, it was because you were outraged at the
12 fact that a poor person could not get an inspection
13 sticker and O. P. Carrillo used the county trucks?

14 A Yes, sir.

15 Q But the truth of it is, in page 149 line 10,
16 did you not tell those people in Austin that the
17 reason you were testifying against O. P. Carrillo
18 was because some of your friends had been fired?

19 A No, sir.

20 Q Do you deny that?

21 A Yes, sir.

22 Q Do you deny telling that to the people in Austin?

23 A I think I did, sir.

24 Q Did you or not?

25 A I don't remember.

1 Q Why would you tell them that if it was not so?

2 A What I told them over in Austin was the reason

3 I was there was because I was seeing a lot of
4 wrong-doings that this Judge was doing and a lot
5 of wrong things and getting these people elected
6 by voters and he would say you are not a good
7 school board member and so forth so, hell --

8 Q You testified that because some of your friends
9 lost their jobs?

10 A Everybody is my friend.

11 Q Everybody is not your friend.

12 A Yes, everybody is.

13 Q Well --

14 A If you are not, thanks for telling me.

15 Q I show you here question number 9 where it says,

16 "Why was it that you called the DPS?"

17 Do you remember that?

18 A Yes, sir.

19 Q On line 10, "Because I am doing this for the
20 good of the people, my people." Did you say that?

21 A Correct, sir.

22 Q Answer: "I am trying to do something good over
23 there just like he is doing, he is getting us all
24 out of jobs." You said that?

25 A Yes, sir.

1 Q Then you were asked, "Are you giving this testi-
2 mony because of what is happening now, that some
3 people have been removed from office and people
4 losing jobs, is that why you are testifying and
5 you answered, that is correct, sir."

6 Do you remember your answer in May?

7 A No, sir.

8 Q What would it be today if I asked you that same
9 question?

10 A That is what I would do.

11 Q Maybe is what you said then?

12 A Yes.

13 Q Well, yes or no, your answer was yes?

14 A Yes, sir.

15 Q You were testifying because the judge was getting
16 rid of people you had elected?

17 A Yes, sir.

18 Q And you were trying to make a problem for the
19 judge, because you thought a bunch of your people
20 were being fired from their county jobs?

21 A That is not true.

22 Q Why did you say that under oath in Austin?

23 A That is the way I understood it then.

24 Q Now it is different?

25 A Yes, sir.

1 Q Is it sort of your program to understand a ques-
2 tion as it suits your purpose?

3 MR. ODAM: Your Honor --

4 MR. HAYNES: I withdraw it, it is
5 argumentative.

6 I have no further questions of this
7 witness.

8
9
10
11 RE-EXAMINATION

12
13 BY MR. ODAM:

14 Q Mr. Gonzalez, I have two questions. Number one,
15 I show you the volume from which Mr. Haynes was
16 reading at page 149 about some people that lost
17 jobs. Is that your testimony and your answers
18 that he was reading there?

19 A Yes, sir.

20 Q On the next page, 150, the question was put to
21 you, "The reason is that he caused a lot of people
22 to be removed from office and jobs." And your
23 answer was, "Not because", so I said, "Yes, other
24 reasons?" And you said, "Yes, sir."

25 A Yes, that is what I meant, yes, sir.

1 Q When you worked at the Farm and Ranch Store with
2 O. P. and Ramiro Carrillo, did you have occasion
3 to wait on customers at the Farm and Ranch Store?

4 A Yes, sir.

5 Q Did you do that all day?

6 A Yes, sir.

7 Q Did you have occasion to fill out receipts or
8 invoices?

9 A Yes, sir.

10 Q Did you have occasion to take in cash?

11 A For my personal use?

12 Q No, sir, for merchandise you sold?

13 A Yes, sir.

14 Q Did you have occasion to order supplies to restock
15 the inventory?

16 A Yes.

17 Q Did you have occasion to deal with salesmen that
18 came in?

19 A Yes, sir.

20 Q And when you were working at the Farm and Ranch
21 Store, did you ever gather up the receipts at the
22 end of the year?

23 A Yes, sir.

24 Q Did you ever total these receipts to fill out the
25 sales tax forms?

1 A Yes, sir.

2 Q Did you ever make deposits for the store at the
3 bank?

4 A Yes, sir.

5 Q Did anyone else ever do any of these functions
6 for the Farm and Ranch Store?

7 A I guess they did.

8 Q Who is that?

9 A O. P. and Ramiro Carrillo.

10 MR. ODAM: I pass the witness.

11

12

13

14

RE-EXAMINATION

15

16 BY MR. HAYNES:

17

18 Q Is it your testimony, Mr. Gonzalez, since the
19 time O. P. Carrillo has become a judge he has
20 worked in the store and waited on people?

21 A Yes, sir.

22 Q Since he was a judge?

23 A Yes, sir.

24 Q Sold goods at the Farm and Ranch Store?

25 A Yes, sir.

Q Did he wear his judicial robe at that time?

1 MR. ODAM: Your Honor, I am not sure --
2 it is your testimony that O. P. Carrillo
3 waited on customers?

4 THE WITNESS: Not him, no, sir.

5 MR. ODAM: That is what I wanted to
6 clear up.

7 MR. HAYNES: Fine.

8 Q (By Mr. Haynes:) I was asking you about since
9 the time of the judge being on the bench. Do you
10 have a hearing defect?

11 A Yes, sir.

12 Q I am sorry, I will speak louder.

13 A I can't hear with this ear.

14 Q All right. Since the time O. P. Carrillo has
15 become a judge, is it your testimony he has come
16 to the Farm and Ranch Store and waited on customers?

17 A No, sir.

18 Q Since the time he became a judge, is it your
19 testimony he came to the Farm and Ranch Store
20 and prepared invoices?

21 A No, sir, I did all of those.

22 Q Since the time O. P. Carrillo became a judge,
23 he didn't come in and receive cash from custo-
24 mers?

25 A No, sir.

1 Q Or order supplies?

2 A No, sir.

3 Q Or deal with the salesmen?

4 A No, sir.

5 Q Or gather up receipts from the Farm and Ranch
6 Store?

7 A No, sir.

8 Q Or total up the receipts and take care of the
9 business?

10 A No, sir.

11 Q Or make the deposits?

12 A He did some, but I did some.

13 Q Most of those things you did as overall manager
14 and salesmen and do it all type person?

15 A Yes, sir.

16 Q And O. P. Carrillo did none of those things?

17 A No, sir.

18 Q He was busy judging, was he not?

19 A Yes, sir.

20 Q He was not around there?

21 A Well, maybe once a week he was there, once a week,
22 maybe.

23 MR. HAYNES: That is all the questions
24 I have of the witness and I will pass the
25 witness.

1 MR. ODAM: We would excuse the witness
2 subject to recall on other articles at a
3 later point.

4 THE MASTER: You may step down from
5 the witness stand. You are still under sub-
6 poena.

7 THE WITNESS: Well, ma, I leave at this
8 time?

9 THE MASTER: Mr. Odam, I thought you
10 meant several days down the road, does this
11 witness need to stay?

12 MR. ODAM: Probably not, Your Honor,
13 that is why we didn't want to get into his
14 testimony today.

15 THE MASTER: Probably tomorrow then?

16 MR. ODAM: I will talk to him outside.

17 MR. HAYNES: We do not mean to in any
18 way infringe on the proceedings, Your Honor,
19 but we have a federal subpoena which the
20 federal law permits us to serve and we would
21 like to notice the court that we want to
22 serve Mr. Cleofus Gonzalez to appear in
23 federal court on Friday.

24 We did not want to be -- well, this
25 is the best time to do it here as opposed to

1 letting the marshall catch him at home.

2 THE MASTER: Do you have it ready now?

3 MR. HAYNES: Yes, sir.

4 THE MASTER: All right.

5 Who is your next witness, Mr. Odam?

6 MR. ODAM: Walter Meek.

7 May I get him?

8 THE MASTER: Yes, please do.

9 MR. ODAM: Just for due order of these
10 proceedings, Your Honor, I will say that the
11 witness's testimony here will be with
12 respect at this time to the paragraph con-
13 cerning Mr. Roberto Elizondo.

14 MR. MITCHELL: What number is that?

15 MR. ODAM: Paragraph 3 on page 4.

16
17 - - - - -

18
19 WALTER MEEK,

20 having been duly sworn by the Judge, testified upon
21 his oath as follows:

22
23 E X A M I N A T I O N

24 BY MR. ODAM:

25

1 Q Would you please state your full name?

2 A Walter W. Meek.

3 THE MASTER: Would you spell your
4 last name?

5 THE WITNESS: M-E-E-K.

6 THE MASTER: Just like it sounds.

7 Q (By Mr. Odam:) And were you subpoenaed to be here
8 today?

9 A Pardon?

10 Q Were you served with a subpoena to come to these
11 proceedings?

12 A That is right.

13 Q Where do you reside

14 A San Diego, Duval County.

15 Q And in San Diego, Duval County, by whom are you
16 employed?

17 A Duval County.

18 Q What is your position with Duval County?

19 A County auditor.

20 Q How long have you held that position?

21 A Fifteen years.

22 Q And where were you employed prior to that time?

23 A Well, I have worked out of the state and out of
24 the country quite a bit. I am an engineer by
25 profession.

1 Q Where were you born?

2 A San Diego.

3 Q So except for this period of time you refer to,
4 you are a lifelong resident?

5 A That is right.

6 Q As county auditor, could you describe for the
7 court what your responsibilities are as county
8 auditor?

9 A Well, I am comparable to the fiscal officer of
10 any business. My responsibilities are the
11 fiscal affairs of the county and primarily after
12 budgetary matters are put aside, the supervising
13 of the bills, the approving of bills and preparing
14 bills for the commissioner's court for their
15 ultimate approval.

16 Q On the matters of fiscal affairs, is it your
17 job to sign checks for the county?

18 A All the checks issued for the county are signed
19 by me.

20 Q Now, you mentioned that you approved bills. Is
21 it your job to approve claims for payment that
22 county employees made?

23 A That is right. Mine is not the ultimate approval
24 and I don't express approval or disapproval until
25 it comes back from the commissioner's court. I

1 can't override their decision.

2 Q They are the ultimate disapproval or approval,
3 this is done by the commissioner's court?

4 A That is right.

5 Q And your time as being county auditor, when these
6 bills or claims go to the county court, are they
7 taken up one by one and passed on by the county
8 commissioner's court?

9 MR. MITCHELL: Might I suggest he limit
10 himself specifically to the time involved?

11 THE MASTER. Well, it is a present tense
12 question and the objection is sustained.

13 MR. ODAM: Let me rephrase the question.

14 Q (By Mr. Odam:) Are you familiar with how claims
15 for payment are presently approved? Are they
16 approved one by one or approved many at a time?
17 I am talking about the general procedure.

18 A I will have to quibble on that, because there is
19 no set routine. I mean, some meetings, if the
20 commissioners appear to be in a hurry, they just
21 okay the whole batch of bills I bring in in bulk.
22 At other times, they pour over them, but as a
23 rule, each commissioner is interested in his own
24 bills and doesn't care what the others spend.

25 MR. ODAM: May I approach the witness?

1 THE MASTER: Yes, sir.

2 MR. MITCHELL: May I reurge a certain
3 objection we set out originally and on
4 occasion we restate, but, that is that the
5 testimony under Article 3 would be irrele-
6 vant and immaterial prior to the term being
7 the Judge taking office in January, 1975.
8 In addition, beyond the formal notice, which
9 is the notice we deem to be valid, and
10 finally not related to conduct judicial
11 in character.

12 THE MASTER: Yes, I am glad you did
13 restate it.

14 They are overruled.

15 Q (By Mr. Odam:) Mr. Meek, do you know a gentlemen
16 by the name of Roberto Elizondo?

17 A Yes, I do.

18 Q Do you know of your own personal knowledge whether
19 he attended a court reporting school in Houston,
20 Texas?

21 A Not to my personal knowledge, no, sir.

22 Q I show you what has been marked as E-43 through
23 E-50 and ask you to look through them and I will
24 ask a question about them.

25 MR. MITCHELL: I am sure Counsel recalls

1 there was an objection made to E-43 through
2 E-50 that was sustained being hearsay and
3 not properly authenticated.

4 MR. ODAM: I recall they are not in
5 evidence at the present time.

6 THE MASTER: Yes, sir, that is cor-
7 rect.

8 MR. ODAM: I will ask the reporter to
9 mark these.

10 (The above mentioned documents were
11 marked Examiner's Exhibits 53 and 54 for
12 identification.)

13
14 Q You have before you what has been marked as E-43
15 through E-50.

16 Would you say it is two items?

17 A That is right.

18 Q I am referring first to the one that goes horizon-
19 tally. I will ask you if you can identify what
20 that item is.

21 A Yes, that is what we term a claim jacket. When a
22 claim or other bill is prepared, we prepare this
23 jacket on the outside and that is the form in which
24 we present it to the commissioner's court.

25

1 Q All right, sir, and the claim that is identified,
2 for example, on E-43, on that claim jacket, you
3 are just looking at one claim jacket number --
4 or claim number D-108?

5 A That's right.

6 Q Who is that claim made by? Is it identified or
7 is it indicated on that claim jacket?

8 A Roberto Elizondo.

9 Q And for what amount of money, is it identified
10 there?

11 A Two hundred and twenty-five dollars.

12 Q And is there a period of time that that payment
13 is for?

14 A Well, it is --

15 MR. MITCHELL: Pardon me, Your Honor,
16 I appreciate that he is having problems
17 with E-43 and E-50 being excluded, but I
18 don't see what he is going to accomplish
19 by having this witness read --

20 MR. ODAM: I withdraw the last ques-
21 tion.

22 THE MASTER: Objection is sustained.

23 MR. MITCHELL: Well, we just object.

24 MR. ODAM: I withdraw the question.

25 Q I will ask you to explain for the court again

1 for the purposes of identification, it states on
2 E-43 on the horizontal part, the claim jacket,
3 it says, "Road and Bridge Fund". Could you
4 explain to the court for purposes of identifica-
5 tion what does that mean, Road and Bridge Fund?

6 A That check was drawn on that particular fund.

7 MR. MITCHELL: Pardon me, Mr. Meeks,
8 does that mean the road and bridge fund
9 generally, which I would have no objection
10 to, or the specific reference to evidence
11 that has been excluded, I would have objec-
12 tion until it is authenticated.

13 THE MASTER: I understood him to ask
14 in substance. I thought that was the
15 Road and Bridge Fund.

16 MR. ODAM: Yes, sir.

17 THE MASTER: I thought it was general.

18 MR. MITCHELL: Yes, but the answer of
19 the witness was, I believe, referring specific-
20 ally to E-43, Judge, and that was the
21 reason that precipitated my objection.

22 THE MASTER: Well, the Exhibit is not
23 in evidence, Mr. Mitchell, and since there
24 is no jury, I am not going to be influenced
25 until it gets into evidence, if it does.

1 But you have to build these matters --

2 MR. MITCHELL: I understand.

3 THE MASTER: -- with stepping stones.

4 MR. MITCHELL: The Court is aware of
5 the fact that I have to be very careful
6 not to waive anything.

7 THE MASTER: I appreciate that.

8 MR. MITCHELL: I'm not trying to
9 irritate anybody.

10 THE MASTER: I hope I didn't exhibit
11 irritation, because I am not.

12 MR. MITCHELL: All right, Your Honor.

13 Q Exhibit No. 42 through 50 generally referred to
14 as being sent to the county treasurer and for the
15 Road and Bridge Fund and for the purposes of
16 identification could you explain to the Court
17 generally what is the Road and Bridge Fund?

18 A It is just one of our various funds in which our
19 money is deposited.

20 Q All right, who --

21 A There is not any set rule in most cases, I mean
22 that might be in the road and bridge fund at one
23 time and it might be in another fund at another
24 time. I mean it is just taken from another fund.

25 Q That was my question, for example, it says here

1 code 320, can you identify -- what does code 320
2 mean?

3 MR. MITCHELL: Can I have him on cross --
4 I mean voir dire?

5 THE MASTER: Yes, sir.
6
7
8

9 VOIR DIRE EXAMINATION

10
11 BY MR. MITCHELL:

12 Q Mr. Meeks, Mr. Hinojosa picks up that code and
13 puts that code on it?

14 A That's right.

15 Q And Mr. Hinojosa has the code book?

16 A That is correct.

17 Q You don't know the functions are or what the
18 code is, it is done after you get through with
19 it, isn't that correct?

20 A That is correct. You see, our code is a private
21 code and there is about two hundred different
22 numbers. I don't attempt to keep them all in
23 my mind. I came prepared, however, with the code
24 list in case you did inquire.

25 MR. MITCHELL: And for the purpose of

1 the objection it would be that the wit-
2 ness doesn't have personal knowledge, Judge,
3 of what the codes are or the assignment of
4 the codes. Mr. Hinojosa having by previous
5 testimony been established as being the
6 gentlemen who makes the assignment and my
7 objection is he has no personal knowledge.

8 THE MASTER: But he has the county code
9 list used by Mr. Hinojosa. The objection
10 is overruled, it has not been identified,
11 however.

12 A I have access to it, I mean I just have no use
13 for it most of the time.

14 Q (Mr. Odam:) Mr. Meeks, let me refer back to the
15 question, it refers to code numbers here, code
16 number 32.

17 A Yes, sir.

18 Q Do you have personal knowledge as to what the code
19 number --

20 A Not from personal memory, I know it specifies
21 a certain class of either purchases or services.

22 Q And you brought some papers with you here today?

23 A This is a copy of the code that we use.

24 Q And who prepared this item that you have before
25 you?

1 A Well, I made -- I made the xerox copy.

2 Q This is a county code list?

3 A You could call it that, however, this is an
4 unofficial thing that we just use in our office.

5 MR. MITCHELL: That's right.

6 A For identification purposes. It is not a
7 required thing, it is just for our own convenience.

8 Q All right, sir. The road and bridge fund, it
9 was your testimony that the road and bridge fund,
10 if the payments were paid from the road and bridge
11 fund, it might not necessarily have to go to work
12 being done on the roads and bridges?

13 A No, that is right.

14 Q Okay.

15 A In fact, my salary is paid out of the road and
16 bridge fund.

17 Q So it is not uncommon for salaries to be paid out--

18 A No.

19 Q -- of a fund that has nothing to do with roads
20 and bridges?

21 A No.

22 Q So on the top part of Exhibit E-43, I will show
23 you what is called generally a claim for payment.
24 Are you familiar with that instrument? I'm not
25 talking about this particular name or anything,

1 but can you identify what is a claim for pay-
2 ment?

3 A It is a claim, a printed form that my office
4 supplies to those that require a form of that
5 kind and it can be either for materials or services
6 rendered, for people -- services rendered for
7 people who are not on the payroll and other mater-
8 ials from incidental material.

9 For example, you wouldn't get a claim from
10 the -- for a bulldozer on a thing like that, but
11 just small local items usually.

12 Q Now, a claim for payment, if this were all
13 together, I take it that you say this at the
14 bottom is a claim jacket?

15 A That's right, the claim goes inside the jacket.
16 It is an envelope really.

17 Q This claim would go inside the jacket?

18 A That's right.

19 Q And again, I'm not talking about the claims on
20 here, but just the procedure?

21 A Yes.

22 Q How would, generally, say, a claim for payment
23 come to you or your office?

24 MR. ODAM: Strike that question. Let
25 me go back.

1 Q Would a claim for payment come to your office at
2 any time?

3 A It would.

4 Q And once it came to your office, what would you do
5 with this claim for payment? Not this particular
6 one on E-43, but generally what would you do with
7 it?

8 A Well, at the moment it came, nothing, we would
9 just put it away with the other claims and just
10 prior to the commissioners' court meeting, we
11 would get all of those claims out and make the
12 jackets, examine them and get them ready for the
13 commissioners' court.

14 Q All right.

15 A My assistant would reconcile all of the -- not
16 necessarily the claims, of course, but other bills
17 to be sure we hadn't paid -- that the balances
18 were correct.

19 Q All right.

20 MR. ODAM: Your Honor, at this time
21 we would offer into evidence Exhibits E-43
22 through E-50.

23 MR. MITCHELL: The same objection,
24 Your Honor, it would be hearsay and
25 improper authentication.

1 THE MASTER: Well, insufficient, I
2 think. That is the authentication?

3 MR. ODAM: Well, Your Honor, I am not
4 attempting here to this witness to state,
5 for example, that Roberto Elizondo signed
6 this one. This witness has testified that
7 his job is to keep claims jackets to keep
8 claims and these are copies of the same
9 which he has identified.

10 THE MASTER: I don't know that he has
11 identified those.

12 MR. MITCHELL: No, Your Honor.

13 THE MASTER: -- as claims, actually
14 filed with him.

15 MR. ODAM: All right. Let me --

16 THE MASTER: Or paid by him or
17 anything else.

18 MR. ODAM: Let me go a little further.

19 THE MASTER: He said that is a form or
20 claim that Duval County uses.

21 MR. ODAM: All right.

22 THE MASTER: If I am not correct about
23 that, let me know.

24 MR. ODAM: All right. Let me go a little
25 further, then.

1 Q (By Mr. Odam:) Specifically, let me refer you to
2 Exhibit E-43 --

3 THE MASTER: Let's take this occasion
4 to take our break at this time and be back
5 at 12.

6 MR. ODAM: All right, sir.

7 (Whereupon, the hearing was in recess
8 from 11:40 a.m. until 12 noon.)
9

10 MR. ODAM: Your Honor, before we proceed
11 with Mr. Meek, and I don't think we need to
12 ask Mr. Meek to leave the room, there were
13 three matters that I would like to take up.

14 One being that Mr. Mitchell has
15 given me back this original copy of this
16 letter from Mr. Smith to which I have no
17 objection and it is fine with me, I think
18 it was an exhibit he wanted in, wherever
19 it goes. It is fine with me to go in.

20 THE MASTER: Well, let's do that, we
21 need to get it done. It is either R-22 or
22 E-22, I am not sure which. Which is it?

23 MR. MITCHELL: It is R-22, Your Honor.

24 THE MASTER: Yes, R-22, that's correct.

25 MR. MITCHELL: And may we have

1 permission to withdraw the partial exhibit
2 that has been previously introduced with the
3 object in mind that it would constitute the
4 identifying exhibit for this exhibit and
5 have the reporter mark this.

6 Now, the matter that has been
7 delivered to the Court on November 10th,
8 1975, under the signature of Mr. Garland
9 Smith.

10 THE MASTER: But there are two there,
11 pull R-22 for me, if you will, because I
12 could not find R-22 as an attachment to
13 any one of those exhibits. But that is
14 because I didn't have R-22 in front of me
15 to compare.

16 MR. MITCHELL: This is R-22.

17 THE MASTER: All right. Now, will you
18 find for me -- this is supposed to be
19 attached to one of those exhibits, is it not?

20 MR. MITCHELL: No, sir, that was a
21 page out -- Mr. Smith testified under oath
22 that R-22 as it is presently in evidence
23 was a single page out of the exhibit and
24 I asked him if he would produce the entire
25 document and he said that he would.

1 THE MASTER: All right. So that
2 entire document should have this as an
3 attachment. But I don't find it anywhere
4 there.

5 MR. MITCHELL: All right. It appears
6 in here, Judge.

7 THE MASTER: Okay. Show it to me and
8 I would appreciate it. I just couldn't find
9 it.

10 MR. MITCHELL: Is that it -- no, that
11 isn't it, either.

12 THE MASTER: No, that may be the same
13 thing, this is just typed and that is written
14 and I didn't compare them, but I could not
15 find a typed exhibit comparable to that.

16 MR. MITCHELL: It is, Judge Meyers, it
17 appears to be a typed exhibit of his
18 appendix one.

19 THE MASTER: All right.

20 MR. MITCHELL: And truthfully, R-22
21 being typed is a more legible copy than this
22 one. We might leave it, however the Court
23 wants to do it so that the record is not
24 confused.

25 THE MASTER: Why don't you decide which

1 way you want to do it and we will, tomorrow
2 morning, make it a part of this record. Is
3 that agreeable with you?

4 MR. MITCHELL: That is fine, Your
5 Honor, and may I just leave the entire
6 package in the custody of the Court?

7 THE MASTER: You may.

8 MR. ODAM: The other two things before
9 going into Mr. Meek's testimony; I mentioned
10 previously about a trial amendment which
11 the Court said it wanted in writing and I
12 don't know if you want to take it up now,
13 probably after this witness' testimony,
14 but I have prepared that and also some
15 subpoenas I would tender to the Court which
16 I suppose we can take up after Mr. Meek's
17 testimony today.

18 I do not have copies yet for
19 Mr. Mitchell because I thought from the way
20 the Court stated, I don't know that -- what
21 the Court's pleasure would be on that.
22 Anyway, it is not a matter that we have to
23 take up right at this minute unless you so
24 desire, and the subpoenas I can just --

25 THE MASTER: Do you want me to sign these

1 subpoena?

2 MR. ODAM: Yes, sir.

3 THE MASTER: They don't have the carbon
4 paper in between them. Are they -- no, that
5 is not the kind of paper that is --

6 MR. ODAM: No, sir, they do not.

7 MS. LEVANTINO: Here is a piece of
8 carbon paper.

9 THE MASTER: Let me do that after Mr.
10 Meek's testimony.

11 MR. ODAM: That will be fine.

12 Q (By Mr. Odam:) Mr. Meek, I have just shown you
13 some exhibits and specifically, I was not referring
14 in general terms to them, but specifically to E-43
15 through E-50 and ask you if you can specifically
16 identify both what is at the bottom horizontally
17 and what is along the top of the page?

18 A Yes, these are claims, together with the claim
19 jacket. The claims -- the claimant is Roberto
20 Elizondo for the sum of two hundred and twenty-five
21 dollars.

22 Q Now, would it be -- do you know of your own
23 personal knowledge whether or not these particular
24 claims came into your office?

25 A I do indeed, they did.

1 Q And did you have or did you personally prepare
2 the claim jacket into which they went?

3 A I didn't prepare it personally, no.

4 Q And after they came in, I presume, however, that
5 that particular claim jacket was prepared?

6 A That's right.

7 Q And that at a subsequent occasion, those claims
8 were submitted inside those jackets to the
9 commissioners' court?

10 A That's right.

11 Q For approval or disapproval?

12 A That's right.

13 Q Now, of your own knowledge, your own personal
14 knowledge, did the originals of these, are they
15 contained in your files or were they at one time
16 contained in your files at the county auditor's
17 office?

18 A They are in my files, but just where they are at
19 the moment, I don't know.

20 Q That is because of all of this --

21 A Turmoil, yes, sir.

22 Q These various proceedings?

23 A Different people have checked them out and we
24 haven't been able to locate them.

25 MR. ODAM: Your Honor, I would again

1 offer in evidence E-43 through E-50 as being
2 the claims for payment that have been filed
3 and were on file in Mr. Meek's office which
4 were submitted to the county commissioners'
5 court.

6 MR. MITCHELL: Objection to hearsay,
7 best evidence, not properly authenticated,
8 Your Honor.

9 THE MASTER: Well, the hearsay objection
10 is overruled and the authentication is
11 overruled and his testimony is he cannot
12 find the originals.

13 THE WITNESS: Sir, there has been so
14 many different agencies from the Attorney
15 General's office --

16 MR. MITCHELL: Maybe I can clear it up,
17 Judge, may I be permitted to ask counsel --
18 John, are these part of the originals that
19 were introduced in the trial in Austin?

20 MR. ODAM: Yes, sir.

21 MR. MITCHELL: I will withdraw the
22 objection of best evidence, Judge.

23 THE MASTER: All right, they are admitted.
24 Now, that is 43 through 50?

25 MR. ODAM: Yes, sir.

1 THE MASTER: Give us just a minute to
2 mark our records.

3 MR. MITCHELL: We do not intend to,
4 however, withdraw our other objections.

5 THE MASTER: All right.

6 MR. ODAM: Well, for clarity, you
7 asked me if they were admitted in Austin
8 and they were admitted in Austin in the
9 House of Representatives. They were not
10 admitted in the Senate because we had not
11 gone into the senate proceedings.

12 MR. MITCHELL: Well, I'm going to
13 continue my objection. We had no right of
14 cross-examination in the House and we did
15 in the Senate. I would suggest, then,
16 Your Honor, that counsel just simply --
17 well, I'm not going to make any suggestion
18 on how to run this Court. I just reassert
19 my objections, then, Judge.

20 THE MASTER: Well, you'll renew your
21 best evidence objection?

22 MR. MITCHELL: Yes.

23 THE MASTER: I suggest you do something
24 to meet that, Mr. Odam.

25 MR. ODAM: Your Honor, the originals

1 which were submitted into the House --

2 MR. MITCHELL: Well, ask him, John.

3 Q (By Mr. Odam:) The originals that went into the
4 House of Representatives, did you take those up
5 there yourself?

6 A My assistant took those up there.

7 Q And put those into the custody of the House in the
8 proceedings?

9 A Yes, sir.

10 MR. MITCHELL: Excuse me, John. He did
11 not testify to that, it was Mr. Hinojosa,
12 he has no personal knowledge. That is the
13 reason for the objection.

14 MR. ODAM: When he was referring to
15 Mr. Hinojosa in his prior testimony, I was
16 confused about --

17 THE MASTER: Now, the objection has
18 been made that the originals are the best
19 evidence and that objection simply must be
20 met and there are clear rules of evidence
21 to meet it which I suggest you follow.

22 MR. ODAM: All right, sir. Well, my
23 comment was simply that the best evidence
24 are in the custody of the House of
25 Representatives in Austin, Texas.

1 THE MASTER: And you're not under oath
2 and not the witness in the case.

3 MR. ODAM: I know it.

4 MR. MITCHELL: And Mr. Meeks, Your
5 Honor, was not there, that is the precise
6 point.

7 THE MASTER: Well, you're not the
8 witness or under oath, either, Mr. Mitchell.

9 MR. MITCHELL: I know, but I was there,
10 Judge.

11 MR. ODAM Well, the exhibits E-43
12 through E-50 are not in evidence and I
13 would just simply offer them by way of a
14 bill of exceptions at this time to put them
15 in the custody of the reporter so that I
16 can properly authenticate them over the
17 best evidence rule objection at a later
18 point.

19 THE MASTER: I suppose that is the way
20 you will have to proceed.

21 Q (By Mr. Odam:) I show you, Mr. Meek, what has
22 been marked as Examiner's Exhibit Number 53 which
23 is a series of checks and ask you if you can
24 identify these original checks?

25 A Yes, I can. They are -- do you want to --

1 Q If you could identify them for the record?

2 A They are checks that I made out and signed or
3 my office made out and I signed.

4 Q Is your name on these checks?

5 A It is.

6 Q And where would that appear on the check?

7 A Under the line labeled county auditor.

8 Q The one that appears in red on these original
9 checks?

10 A That's right.

11 Q And to whom are these checks made out?

12 A The first one was Mr. Elizondo, Roberto Elizondo.
13 They are all made out to Roberto Elizondo.

14 Q And I ask you also before offering those into
15 evidence if you can identify what has been marked
16 as Examiner's Exhibit Number 54?

17 A Yes.

18 Q And how would you characterize Examiner's
19 Exhibit Number 54?

20 A This is another one of our office innovations.
21 It is the record that we keep for our own benefit.
22 It is kept on index cards, sort of a card file.

23 Every check that we issue, as in this case
24 to Tomas Elizondo, is typed onto these index
25 cards. It is for our own reference so we can go

1 into this index and find the check we want and
2 locate it in the file.

3 Q For example, the claim number over at the right,
4 would that be a claim number that would correspond
5 with the claim jacket?

6 A On the left here you mean?

7 Q Yes, sir.

8 A Yes, that is right.

9 Q And then these original cards are kept and are
10 presently kept in your custody, in the county
11 treasurer's -- in the county auditor's office in
12 Benavides?

13 A In San Diego, yes.

14 Q In San Diego?

15 A Yes.

16 Q And you, I believe, brought with you today for
17 your testimony, what has been marked as E-54,
18 is that correct?

19 A Oh, yes, this sheet.

20 Q The sheet we are talking about right here?

21 A That's right, yes, I see.

22 Q And this would identify the claimants themselves
23 as a part of this entire package of information
24 with respect to claims?

25 A That's right, these are checks for four different

1 years made out to Tomas Elizondo.

2 Q Okay.

3 MR. ODAM: Your Honor, at this time
4 we would offer into evidence the checks
5 signed by Mr. Walter Meek in payment to
6 Roberto Elizondo from the County
7 Treasurer of Duval, E-54 and E-53, and also
8 introduce in evidence the copies of claim
9 cards, Examiner's Exhibit 54.

10 MR. MITCHELL: Your Honor, no objection
11 to 53, but may I have the witness on voir
12 dire to see if I have an objection to 54?

13 THE MASTER: 53 is admitted and you
14 may have the witness on voir dire.

15
16
17 VOIR DIRE EXAMINATION

18 BY MR. MITCHELL:

19
20 Q Mr. Meek, as I understand the Exhibit 54 is made
21 up very much on the order of --

22 THE MASTER: Excuse me, you said no
23 objection to 53, you mean objections other
24 than the standing objections you have?

25 MR. MITCHELL: Yes, sir.

1 THE MASTER: That you stated earlier
2 today?

3 MR. MITCHELL: Yes, Your Honor, at the
4 outset and I appreciate that, Judge Meyers,
5 and where I have objected or have not
6 objected which has been on occasion in the
7 trial, I certainly did not mean to waive
8 our basic objections. Thank you, Judge
9 Meyers.

10 Q (By Mr. Mitchell:) Mr. Meek, these were made up
11 as sort of a summary, as I understand your
12 testimony, from the total package commencing with
13 the claim to the issuance of the warrant and the
14 payment and return of the warrant and the date,
15 that is E-54?

16 A Do you mean the individual cards or that particular
17 copy was made up?

18 Q Well, the cards and the copy.

19 A Well, of course the copy is of the cards, four
20 different cards, four different years, in other
21 words.

22 Q Yes, I noticed that -- I noticed that the card is
23 Tomas Elizondo on one and Roberto Elizondo on
24 another and that they are for the years '70, '71,
25 '72, '73 for both Roberto and Tomas.

1 A Yes.

2 Q And my only question is solely for the purpose of
3 informing myself and the record and the Court to
4 pass on the admissibility is, these are made up
5 by you under your direction, from the claim jacket
6 where the claim number came from?

7 A That is right.

8 Q And the warrant number, the amount, the funds
9 against which it is charged and the coding put
10 on there by Mr. Hinojosa and the date?

11 A That's correct.

12 Q And you can verify that the material appearing on
13 54 is thus extracted from your records?

14 A Yes, sir.

15 MR. MITCHELL: The only objection,
16 Your Honor, I do note that the exhibit
17 relates to Tomas Elizondo and I understood
18 counsel to announce it was coming in under
19 Roman three, which, of course, relates to
20 Roberto Elizondo.

21 Other than that, we would have no
22 objection other than our basic objections
23 to 54.

24 THE WITNESS: May I explain that, Your
25 Honor?

1 THE MASTER: Yes, sir.

2 THE WITNESS: Well, it is entirely
3 my mistake. I got a call at the last minute
4 last night to bring these cards or copies of
5 them and I made a mistake of including
6 Tomas Elizondo. I didn't notice the
7 difference, but that is just included in the
8 first 1970 card.

9 THE MASTER: Well, are you offering
10 the cards containing Tomas Elizondo -- the
11 information concerning Tomas Elizondo?

12 MR. ODAM: Yes, sir.

13 THE MASTER: On which --

14 MR. ODAM: That would be paragraph
15 four, I believe, Your Honor.

16 THE MASTER: Well, then, the objection
17 is overruled and the exhibit is admitted.

18 MR. ODAM: Well, I can simply look at
19 the paragraph number and see.

20 MR. MITCHELL: But there is no
21 allegation, Your Honor, about Tomas Elizondo
22 in taking any money from the county. He just
23 drove a backhoe.

24 THE MASTER: Well, it might be -- is
25 that an admission?

1 MR. MITCHELL: An allegation that he
2 drove a backhoe, a very, very far-out
3 allegation, Your Honor.

4 THE MASTER: Well, it is, of course,
5 if it is irrelevant, I will give it no
6 weight.

7 MR. MITCHELL: Yes, sir.

8 THE MASTER: It may be that it is part
9 of an exhibit that can't be separated out.

10 MR. MITCHELL: I think it could quite
11 easily, just cut out from the exhibit,
12 Judge, that I might suggest for 54 being
13 the cards relating to Roberto.

14 THE MASTER: Well, counsel, see if you
15 find any relevance and let me know because
16 the charge -- with respect to Roberto, is
17 that he drew money while attending court
18 reporting school and I believe counsel is
19 correct, that the charge with respect to
20 Tomas is driving a backhoe.

21 MR. ODAM: I would withdraw at this
22 time, Your Honor, the page from E-54 that
23 pertains to the claims for Tomas Elizondo.
24 That was my error in looking at the names
25 down the side, it said Elizondo and I

1 didn't look over to see.

2 MR. MITCHELL: You're going to have
3 trouble because they alternate.

4 THE MASTER: Let me look at it and see
5 what can be done, if anything.

6 (Handed to the Master.)
7

8 MR. ODAM: It will be fine with me if
9 they are just X'd out.

10 THE MASTER: You can just cut off the
11 top two unless I just read them incorrectly.

12 MR. ODAM: All right.

13 THE MASTER: You can do that at a
14 recess.

15 MR. ODAM: All right.

16 THE MASTER: It doesn't matter, if it
17 is not admitted, the fact that it is here
18 still doesn't make it in evidence. It is
19 withdrawn, that portion of the exhibit is
20 withdrawn.

21 MR. ODAM: Are you suggesting, then,
22 Your Honor, it would not be necessary, and
23 let it go in as it is?

24 THE MASTER: As far as I am concerned.

25 MR. ODAM: Again, we are not admitting,

1 then, the one on the top for Tomas Elizondo.
2 The other one, two, three cards pertaining
3 to Roberto and it was my intention initially
4 to go into that on Roberto only.

5 THE MASTER: All right. Excuse me.
6 You brought two identical records?

7 THE WITNESS: That is right.

8 THE MASTER: And not separate pages,
9 is that what you're telling me?

10 THE WITNESS: They are both identical,
11 yes.

12 THE MASTER: All right.

13 MR. ODAM: And, of course, only one
14 page is being offered. Your Honor, we would
15 pass the witness.

16 MR. MITCHELL: Judge, might I have
17 permission of the Court to have E--53
18 marked in subparts for the possibility of
19 asking the witness questions as to separate
20 ones? They are just a package of checks.

21 THE MASTER: You can do it that way or
22 you can say -- do it by date on the check.
23 You want to protect the record, I understand
24 that.

25 MR. MITCHELL: That's right.

1 THE MASTER: But you could say check --
2 is it a numbered check, incidentally?

3 MR. MITCHELL: Yes, they are, Judge,
4 they are numbered.

5 THE MASTER: Why don't you let those
6 be the subparts, would that be all right.

7 MR. MITCHELL: All right.

8 THE MASTER: All right, check number
9 5010 of Exhibit Number 3, for example.

10 MR. MITCHELL: All right, so that the
11 record reflects it has subpart number 154,
12 5837, 379, 924, 6859, 727.

13 THE MASTER: Is that 7207?

14 MR. MITCHELL: No, sir, it is 727,
15 I mean, have misread it.

16 THE MASTER: All right.

17 MR. MITCHELL: 554 and 5985. Thank
18 you, Judge Meyers.

19 THE MASTER: Those are the checks --
20 the numbers on the individual checks that
21 you just read.

22 MR. MITCHELL: Yes, sir, and would be
23 subparts of E-53 under the Court's direction.

24 THE MASTER: Yes, sir.
25

EXAMINATION

BY MR. MITCHELL:

Q Mr. Meek, I believe you have previously testified on two occasions or three occasions, have you not, and I have had the pleasure to visit with you.

I will state to you that I will try to, on this occasion, to speak loud enough to where you can hear me and also slow enough to where you can hear me.

A All right.

Q The procedures for the purpose of the record, for making up a claim, I believe you testified to previously in other cases, but for this record, I will have to go briefly through those with you, Mr. Meek.

A All right.

Q Let me see if I can outline it. The claim is reduced --

MR. MITCHELL: Strike that.

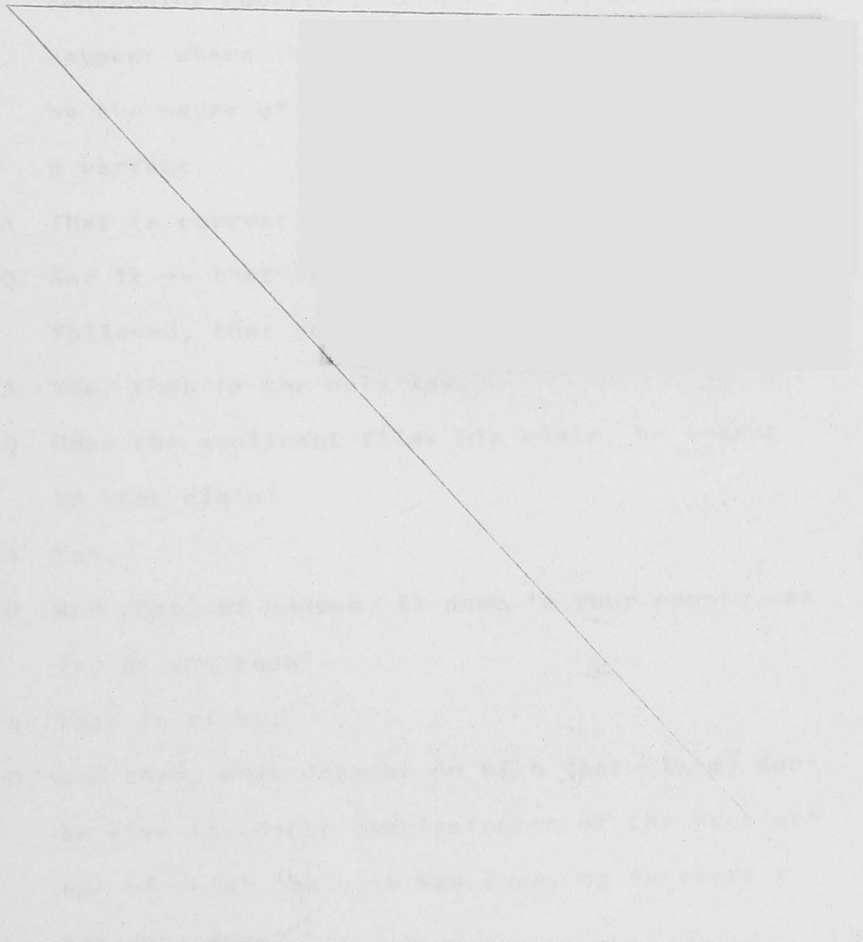
Q Claims against the county are actually of two types, are they not, Mr. Meek? Those where you have your regular payroll that comes up and are paid somewhat automatically and those that are subject of special treatment or claims for payment?

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A That's right.

Q All right, the claims of the type for which these checks were issued to Roberto Elizondo, E-53, and the subparts are -- would be claims of a specific nature, I suppose, or are they, you just tell us, I don't know?

A Are they claims of a specific nature, you say?



1 Q Well, have specific claim forms been filled out
2 that underlie each and every one of those warrants?

3 A If I remember correctly, yes. A claim was created
4 for this amount and the check is mailed from that
5 claim.

6 Q I need to have the record reflect the full proce-
7 dure. So that now we can establish the facts
8 concerning Roberto Elizondo there are claims for
9 payment where there is a claim form filled out
10 by the payee of those warrants on which there is
11 a warrant.

12 A That is correct.

13 Q And it -- that is the usual and customary method
14 followed, that you recall, on claims for payment?

15 A Yes, that is the only way.

16 Q Once the applicant files his claim, he swears
17 to that claim?

18 A Yes.

19 Q And that, of course, is done in your county, as
20 far as you know?

21 A That is right.

22 Q And then, what does he do with that claim, does
23 he give it to the commissioners of the precinct
24 out of which the work was done, or is there a
25 set procedure?

1 A There is no set procedure. He may send it by
2 the janitor. It can arrive in my office in various
3 ways.

4 Q Those claims find their way to your office, do
5 they not?

6 A Yes.

7 Q And do you have an assistant?

8 A Yes, sir.

9 Q Those claims will lie there until they are pre-
10 pared for presentment to the commissioner's court?

11 A Yes, sir.

12 Q Tell us when the commissioner's court meets.

13 A On the second Monday of every month.

14 Q Now, I assume that prior to that second Monday,
15 you and your assistant prepare those claims for
16 the commissioner's court?

17 A That is right.

18 Q Are they listed or docketed in any way?

19 A At that particular time, before they have been
20 presented to the commissioner's court?

21 Q Yes.

22 A No, they are not. We don't know whether all of
23 them will be allowed.

24 Q There are, in fact, claims that are to be pre-
25 sented to the court for allowances or disallowances?

1 A Yes.

2 Q And that is the procedure?

3 A Yes.

4 Q And it is your testimony that to your best
5 recollection, that procedure was followed in each
6 and every instance on checks issued on E-53?

7 A I am positive of that.

8 Q When is the code number assigned to these?

9 A When the check is written.

10 Q So when they go out of your office, they are not
11 coded?

12 A Well, I understand, yes, the claims are not coded
13 until after they come back.

14 Q All right. What form are they put in for present-
15 ment to the court?

16 A They are merely put in a jacket. It is nothing
17 more than an envelope with a printed form on it
18 and it is open at the top.

19 Q With the claim inside the jacket?

20 A That is right.

21 Q And typed on the outside of the jacket, I assume,
22 is the address and name of the claimant, the
23 amount and the basic information on the claim
24 contained therein?

25 A Yes, sir.

1 Q Now, the commissioners meet on the second Mon-
2 day of each month?

3 A Yes.

4 MR. ODAM: It would appear to me that
5 the questions being elicited of this wit-
6 ness appear to pertain to the special
7 exceptions filed on page 34. It is and
8 generally states how the proceeding is
9 coming about. I recall that it was the
10 understanding that the testimony with regard
11 to questions of law would be taken --

12 THE MASTER: Now, I have to interrupt
13 you at this point. I do not understand that
14 you ever hear testimony on special excep-
15 tions.

16 MR. MITCHELL: That is right.

17 THE MASTER: That is unheard of. That
18 is known as a speaking demurer, which is
19 not known in Texas statutes. I appreciate
20 what you are saying, but obviously at this
21 time I am not going to hear testimony on
22 the plea in abatement or any of the other
23 pleas and certainly not testimony on special
24 exceptions.

25 He has a general denial on file and

1 it seems this is defensive on the merits
2 as well as a matter of exception.

3 Do you disagree?

4 MR. ODAM: It appears to go to the
5 special exception and it is testimony on
6 the special exception which is not now
7 or ever admissible. I don't think it goes
8 to the general denial itself, but, of course,
9 that is the Court's ruling.

10 MR. MITCHELL: Well, you have alleged
11 it and --

12 THE MASTER: You have a general denial
13 which I think authorized this evidence. It
14 may have something to do with the special
15 exceptions also.

16 You are not in court offering testimony
17 on special exceptions, are you, Mr. Mitchell?

18 MR. MITCHELL: No, I am offering it for
19 the purpose of the record, touching on the
20 gentleman's credibility and touching on his
21 knowledge and on the continuity of the
22 record and these are not just the product
23 of someone just sitting down and writing a
24 bunch of checks.

25 MR. ODAM: If it is offered for those

1 purposes, I have no objection, however, if
2 it is offered for the special exception,
3 then --

4 THE MASTER: If it were offered for
5 that, you would have your objection, but
6 it was not.

7 MR. MITCHELL: I am sorry, I don't want
8 to be repetitive, but -- well, where was I?

9 Well, the claim jackets set out the
10 essential information going into the commis-
11 sioner's court.

12 A That is right.

13 Q And the commissioner's court in your county at
14 the time it is relevant here, in 1972 and 73, is
15 made up according to the dictates of the statutes?

16 A Yes.

17 Q And the county is divided into commissioner's
18 precincts, is that correct?

19 A Yes.

20 Q And Duval County is divided into commissioner's
21 precincts?

22 A Correct.

23 Q And in 1972 and 1973, how many commissioners were
24 there in Duval County?

25 A Four.

1 Q Four in Duval County?

2 A Yes.

3 Q And I believe that the commissioner's court is
4 further made up by the county judge, who sits
5 ex-officio, and presides over the meetings?

6 A Yes.

7 Q And it was your testimony that at the time four
8 commissioners constituted the commissioner's court,
9 plus the county judge?

10 A Correct.

11 Q And the county judge was at that time Mr. Archer
12 Parr?

13 A Correct.

14 Q On the second Monday of each month, those claims
15 having been prepared by your office and staff,
16 that is, composed of who?

17 A Mr. Hinojosa.

18 Q He is the assistant auditor?

19 A Yes.

20 Q And he testified in Austin?

21 A Yes.

22 Q Other than Mr. Hinojosa, you do have secretarial
23 help?

24 A No.

25 Q Who does the typing for you?

1 A Mr. Hinojosa. He is an expert.

2 Q Mr. Hinojosa and yourself prepare the claims,
3 and I believe your testimony was earlier, that
4 they are put in shape for the court?

5 A Yes, for the commissioners court.

6 Q And is there a secretary for the commissioners
7 court?

8 A No. I don't think there is a formal secretary.
9 Do you mean for the writing of the minutes?

10 Q Right.

11 A It is the custom in Tarrant County that the Judge
12 writes the minutes.

13 Q And the minutes for 1972 and 73 were kept in a
14 book, were they not, a wellbound volume?

15 A Yes.

16 Q And the Judge at that time, Archer Parr, would
17 have, if he had followed the usual course of
18 practice, put into the minutes the conduct and
19 actions taken by the commissioners court?

20 A That is right.

21 Q And we can go back and read them at this stage and
22 find they are intact for the commissioners court
23 meetings in 1972 and 73?

24 A Correct.

25 Q Now, carry us through the procedure.

1 Have you ever been in attendance or do you
2 take no position at all in the commissioners court
3 meetings?

4 A Only on claims that are decidedly illegal, or
5 they is a question about them, that is the extent
6 of my authority.

7 Q Where there is a claim suspect, you take exception
8 with that?

9 A Yes.

10 Q That does not preclude any members or other person
11 appearing before the court when a claim is brought
12 before the court?

13 A Correct.

14 Q Do you know whether or not the court passes on
15 those claims that has been presented to it? I
16 assume they do, they take a vote?

17 A Yes.

18 Q And the county judge doesn't vote unless there
19 is a tie?

20 A That is right.

21 Q And each and every claim that is a part of it
22 would, as far as we know, have gone through that
23 same procedure.

24 A That is correct. I would also say that I can't
25 verify the fact that every claim is examined and

1 okayed individually.

2 Q I understand that. As a matter of fact, would it
3 be a fair statement that you don't have any personal
4 knowledge of the background of those claims?

5 A No, I don't.

6 Q And if the claim is illegal, you pick up on that
7 and point it out to the court?

8 A Correct.

9 Q There is an additional screening process on these
10 claims by the court themselves?

11 A Correct.

12 Q And there is nothing to keep a commissioner or
13 any citizen from coming before the court and
14 asking that a certain claim not be considered or
15 taken out?

16 A You are correct.

17 Q Now, Mr. Meek, after there is a vote, is there
18 an entry in the record of the county judge of the
19 vote and how the vote was cast?

20 A Usually, it is, yes. They list the no's and aye's.

21 Q What happens, if you know, from there?

22 A Well, when the commissioners have gone through
23 them and okayed them, they are brought back to
24 my office.

25 Q By whom?

- 1 A Well, by the treasurer a lot of times.
- 2 Q Is he generally in attendance on a meeting of the
3 commissioners court?
- 4 A Yes, it is not necessary, but it seems to fascinate
5 him, so he does attend.
- 6 Q It does also perform a pragmatic function of
7 giving a connecting link between your office and
8 the commissioners court?
- 9 A That is correct.
- 10 Q After it is brought back through your office,
11 what is brought back first?
- 12 A The same thing we took in, the bills and jackets.
- 13 Q Indicating on there the vote of the commissioners?
- 14 A No, there is nothing indicated on the jacket.
15 We indicate them by number. We put them all aside
16 that are okayed and toss out those which are not.
- 17 Q Do you notify the claimant on those that are dis-
18 proved?
- 19 A No, we sit on them for a while and if it is a
20 fraudulent claim, they don't come in after it.
21 They find it is not passed and it is dropped.
- 22 Q And there is some litigation on those that were
23 dropped?
- 24 A We never had any.
- 25 Q You have one now you are getting ready to get

1 sued on by yours truly.

2 A That is right.

3 Q Once the claims come out of the commissioners
4 court into your office, what is the next step?

5 A When we get them back, we start right away making
6 out the checks and getting them out.

7 Q When I say warrant and you talk about checks,
8 we are talking about the same thing?

9 A That is right.

10 Q And the checks are officially printed and numbered?

11 A That is right.

12 Q They are not private checks taken out of people's
13 pockets?

14 A No, sir.

15 Q And all of those are printed on the letterhead of
16 the County of Duval?

17 A Yes.

18 Q And the road and bridge fund, that is of no
19 significance?

20 A That is right.

21 Q And the amount of money is written out on the
22 check face?

23 A Do you mean the funds?

24 Q The face amount of the check?

25 A Yes.

1 Q Then it is signed by three people?

2 A Yes.

3 Q It is signed by you first?

4 A Yes.

5 Q And then, I imagine you examine it to see that it
6 is there and you cross-check with the claim form
7 to see whether or not the commissioners court
8 authorized it?

9 A Well, that sounds like a complicated process,
10 but it is much easier than that.

11 Q All right. You don't countersign a check that
12 you are not sure has passed?

13 A That is right.

14 Q And then your assistant signs the checks?

15 A No, first the county clerk.

16 Q You take it from your office to the county clerk
17 and he puts his signature on it?

18 A Yes.

19 Q And the final signature is the county treasurer
20 of Duval County?

21 A That is right.

22 Q And each and every one of those individuals sign
23 each and every warrant or check?

24 A Right.

25 Q And then the notations in the lower lefthand corner.

1 are they the coding notations?

2 A That is right, but it is on the righthand side of
3 the check.

4 Q That comes from whom?

5 A Mr. Hinojosa.

6 Q And he has testified that he has before him the
7 coding, that is, the numbers that appear on E-55
8 and E-53, these numbers, R-320 and various other
9 numbers that are codings which are intelligible
10 to him?

11 A That is right.

12 Q Which tell him the nature of the claim?

13 A Correct.

14 Q When does he put those on?

15 A As he types the check.

16 Q You sign them and then the county clerk and then
17 the treasurer signs them?

18 A Correct.

19 Q And then, are they picked up by the payee?

20 A Yes, but just usually the ones for those on
21 the warrants for labor. The treasurer keeps them
22 in his office and hands them out. For all other
23 materials, especially checks that mail out, we
24 do that in my office.

25 Q All right. Now then, these items are returned to

1 you after they have been cashed or deposited by
2 the payee, is that correct?

3 A Do you mean the checks?

4 Q Yes.

5 A They are returned to the treasurer. He is the
6 custodian of them.

7 Q He was the custodian of E-53?

8 A That is right.

9 Q Then there is still another cross-check made,
10 you go back on them, as you have testified on
11 E-54, and a card is ped up on each and every
12 payee?

13 A Correct.

14 Q Of each and every warrant or check issued by Duval
15 County?

16 A Correct.

17 Q And that is maintained as an accurate and avail-
18 able record?

19 A Correct.

20 Q And, for example, if you paid John Jones in 1971
21 and paid him again in 1972, once in 73 and eight-
22 een times in 74 and five thousand times in 1975,
23 all of those payments would find their way to a
24 central control, such as appears in E-54?

25 A Correct.

1 Q And showing the check number, the coding and the
2 payee, and the fund, I suppose -- well, no, the
3 date?

4 A That is right.

5 Q Now, is there anything different about the items
6 in E-53 that you are holding in your hand, is
7 there anything in the handling of E-53 that
8 deviates from what you have described for the
9 court as a procedure for a claim in Duval County?

10 A No, not at all.

11 Q Now, is the claim for payment for material and
12 services essentially the same?

13 A The same, except it would have a different code
14 number.

15 Q And on labor, it is held there and folks come in
16 to get them?

17 A Yes.

18 Q That is the only difference in the procedure?

19 A That is right. He also handles the regular pay-
20 roll checks.

21 Q Of course, Judge Carrillo, I believe the record
22 reflects, was a district judge -- well, from 1971,
23 having been elected again in November, 1974, is
24 that correct?

25 A Yes.

1 Q And Ramiro Carrillo was a county commissioner in
2 72 and 73?

3 A Yes.

4 Q He was the commissioner of what precinct?

5 A 3.

6 Q And, of course, you can't tell this court from
7 looking at the Exhibits you have, whether or not
8 Roberto Elizondo did in fact perform the work for
9 which the expenditures in E-53 were paid to him
10 for?

11 A No.

12 Q There is no where on E-53 where it appears to
13 show Judge Carrillo's name?

14 A On what?

15 Q On either of the ones you hold in your hand, his
16 name?

17 A No.

18 Q And as far as you know, there is no authority on
19 the claim forms underlying them?

20 A No.

21 Q And could you tell us whether or not he appeared
22 before the commissioners court as a witness on
23 behalf of any of them?

24 A If he did, it was not to my knowledge.

25 Q There is nothing you can tell us that Judge

1 Carrillo had any participation in any of this?

2 A That is correct.

3 MR. MITCHELL: Pardon me, Your Honor,
4 may I put a question to Counsel?

5 THE MASTER: Yes.

6 MR. MITCHELL: Are you intending to
7 limit this witness' testimony only to num-
8 ber 3?

9 MR. ODAM: The two other areas where
10 his testimony would be relevant would be
11 number 1, as to the paragraph 1 on the Cash
12 Store, and the other place it would be rele-
13 vant would be 7 through 12 and based upon
14 no objection to authentication of checks,
15 it may not be necessary to have him come
16 back later.

17 MR. MITCHELL: Well, all right. I
18 have no further questions of this witness
19 on cross as regards number 3 and if counsel
20 goes beyond it, I would reserve the right
21 to recall him.

22 THE MASTER: Fine.

23 MR. ODAM: We will go into the Cash
24 Store at this time, Your Honor.

25 THE MASTER: All right, sir.

1 MS. LEVANTINO: Given the hour and
2 the time, Your Honor, we would like to get
3 into the discussion of the testimony by
4 this witness this morning.

5 May I approach the witness?

6 THE MASTER: Yes.

7 Q (By Ms. Levantino:) I am handing you a bound
8 work booklet and ask you to turn to the back of
9 the booklet, beginning at page 450. -- I am sorry,
10 351, and running through pages 429. Could you
11 identify the material contained on those pages?

12 MR. MITCHELL: May I at this time state
13 that we are going to object to the identifica-
14 tion of the Senate journal, pages 351, and
15 say -- well, I am sorry, you are --

16 MS. LEVATINO: Well, Just as to the
17 Exhibits.

18 MR. MITCHELL: Well, I don't want to
19 dictate how that ought to be done. Those
20 are numerous Exhibits that have been intro-
21 duced before the Senate and we agree they
22 will come into this record and I believe
23 these are the ones this witness has authen-
24 ticated.

25 MS. LEVATINO: Yes, that is correct.

1 MR. MITCHELL: These are numbered where
2 they will be hard to understand the continu-
3 ity.

4 THE MASTER: You agree they may be
5 taken out of the journal and made Exhibits
6 in this proceeding?

7 MR. MITCHELL: That 's right.

8 You see, they come in and counsel has
9 introduced them at a prior hearing.

10 THE MASTER: No, not here.

11 MR. MITCHELL: At a prior hearing before
12 the Senate.

13 THE MASTER: Well, that is another
14 hearing, not a prior hearing.

15 MR. MITCHELL: Well, at another hearing.

16 We are aware -- we made certain objec-
17 tions to them there and will make those
18 same objections here. We are aware the
19 originals are still there, probably, but
20 out of consideration for that fact and the
21 likewise problem we have, we have agreed,
22 subject to the Court's approval, that these
23 can come into this hearing, is that right,
24 Counsel?

25 MS. LEVATINO: Yes.

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MR. MITCHELL: And I would prefer that they are numbered in line with the evidence we have here.

MS. LEVATINO: May I suggest, Your Honor, that the Exhibits designated as W-1 be E-55?

THE MASTER: One Exhibit?

MS. LEVATINO: Yes, because they are sub-designated.

THE MASTER: Does that pose a problem on cross-examination?

MR. MITCHELL: Yes, it does. It is bad enough and we should keep them separate.

THE MASTER: There is no problem, because I have been in a case where it was not uncommon to have a fifty or sixty page volume marked as one exhibit.

MR. MITCHELL: Yes, with sub-divisions.

THE MASTER: And this has it's sub-divisions, itself, does it not?

MR. MITCHELL: Yes, it does. Some of those are two thousand -- I am referring to the recitals, -- I would have no objection to --

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THE MASTER: I don't know what you are
talking about.

MR. MITCHELL: I am sorry, I took it
away from you.

This is it right here, Judge.

1 THE MASTER: Well, Mr. Mitchell, as I
2 see it, that is the only very first page of
3 this exhibit.

4 MR. MITCHELL: That's right, I have
5 examined to 386, Judge, and that is correct
6 and I have gone through and it appears that
7 that is correct, Judge, that that recital
8 does not appear on the balance. I would have
9 no objection if we just simply marked that
10 one the next one in order and leave them
11 subdivisions, that I understand the proposal
12 is subdivision H11 and H12, is that the --

13 MS. LEVANTINO: Yes, counsel.

14 THE MASTER: Well, I think you need to
15 unstaple it and peel it out, but I think one
16 exhibit is fine.

17 MS. LEVANTINO: Would you like to keep
18 this extra copy?

19 THE MASTER: Yes.

20 (Handed to the Master.)

21
22 MR. MITCHELL: Counsel, may I -- Your
23 Honor, may I ask counsel another additional
24 question. Do you intend to also introduce
25 those -- the vouchers appearing on 440?

1 MS. LEVANTINO: Yes, this would be the
2 checks which you are referring to, which
3 would then be designated as the next
4 Examiner's Exhibit.

5 MR. MITCHELL: All right, fine.

6 MS. LEVANTINO: Sub-designated H-21
7 through H-212, which would be the next
8 Examiner's number, which you can mark.

9 MR. MITCHELL: And you would obliterate
10 the top of that one, the reference to the
11 prior -- or another procedure that has no --

12 MS. LEVANTINO: All right, may I have
13 this?

14 (Handed to counsel.)

15
16 MS. LEVANTINO: For the purposes of the
17 record at this time, Your Honor, I have a
18 copy of this material with all material
19 crossed out and if you would prefer, we
20 can just pull off the staples, whichever
21 would be easier. Would you prefer just
22 the rest of the material marked out?

23 THE MASTER: I am sorry, say that again.

24 MS. LEVANTINO: Would you prefer this,
25 the material which will be introduced as the

1 next two examiner's exhibits, be removed
2 from this booklet or all of the material
3 crossed out and the booklet itself introduced
4 except for the two examiner's exhibits?

5 THE MASTER: Well, you mean all of this
6 testimony?

7 MS. LEVANTINO: Yes.

8 THE MASTER: No, I believe the exhibits
9 ought to be --

10 MR. MITCHELL: -- removed.

11 THE MASTER: Separated out. You will
12 have to find a fairly heavy stapler to
13 restaple them, but I just -- I believe that
14 there is 350 pages of information here.

15 MR. MITCHELL: That's right.

16 THE MASTER: And I don't see any point
17 in having the record contain that.

18 MS. LEVANTINO: Okay.

19 MR. MITCHELL: For the purposes, then,
20 Your Honor, the one on 351 becomes R--

21 THE MASTER: No, I think it is EX-55.

22 MR. MITCHELL: EX-55, with sub
23 exhibits and the preamble obliterated and
24 on the one --

25 THE MASTER: Again, do you really care

1 about the preamble being obliterated?

2 What difference does it make, with no

3 jury?

4 MR. MITCHELL: Judge, I just think we
5 are all lawyers and I think we ought to
6 treat the records as lawyers and I think
7 that somebody upstairs would say, "Well,
8 now, what are they letting all of that in
9 for."

10 I really -- it is cosmetic.

11 THE MASTER: I am stating for the
12 record that it is not part of the exhibit,
13 but now if you want it blanked out, I
14 will get Ms. Levantino to re-Xerox that --
15 I guess we could just put tape over it,
16 white it out.

17 MR. MITCHELL: That is fine, Judge.

18 THE MASTER: All right.

19 MR. MITCHELL: And then, Your Honor,
20 four forty, for my purposes, would be
21 Exhibit 56 with subparagraphs, am I correct?

22 MS. LEVANTINO: That's correct,
23 subparagraphs H-21 through H-212.

24 THE MASTER: That poses a problem in
25 that the last page of exhibit 54 is the

1 first page of Exhibit 55, because it is
2 on one page.

3 MS. LEVANTINO: Well, Your Honor, may
4 I suggest we have extra copies of this and
5 we will obliterate the last page and it
6 will be two separate exhibits.

7 THE MASTER: That is fine.

8 MS. LEVANTINO: If Your Honor will
9 allow me, I believe we can finish with Mr.
10 Meeks and introduce these being marked
11 subject to taking -- making the alterations
12 which we have discussed, right after the break.

13 THE MASTER: All right.

14 MS. LEVANTINO: And for final
15 production marking them tomorrow morning.

16 THE MASTER: All right.

17 MS. LEVANTINO: I offer these two
18 exhibits Examiner's Exhibits 55 and 56.

19 MR. MITCHELL: No objection, subject
20 only to either -- questions on cross-
21 examination or voir dire.

22 THE MASTER: All right.

23 MR. MITCHELL: Counsel, why don't you
24 just go ahead and finish.

25

EXAMINATION CONTINUED

1
2 BY MS. LEVANTINO:
3

4 Q Mr. Meek, would you look at what has now been
5 labeled Examiner's Exhibit 54, subtitle H-11 and
6 H-13^S and identify these for the Court.

7 Could you tell us just generally what that
8 material is contained in that exhibit?

9 A Yes, that is a Duval County welfare department
10 form authorizing this person to pick up groceries
11 or whatever.

12 Q When you say, "that is," could you tell me
13 precisely what you're referring to, Mr. Meek?

14 A Well, frankly, I can't read it.

15 Q Okay, let me -- on the first page of the
16 Examiner's Exhibit, you will see on the right-hand
17 side which looks to be like the claim jacket which
18 you have just identified for the prior examiner's
19 Exhibit Number 53, is that correct?

20 A Identify that claim jacket?

21 Q Yes.

22 A Yes, that is a claim jacket for the -- that
23 enclosed the sales slip and the order from the
24 welfare department.

25 Q Do you know where the original of that claim jacket

1 is?

2 A If we haven't turned it over to you, we have it
3 in my files.

4 Q Mr. Meek, I believe that a few months ago, or a
5 month or so ago, you testified in another
6 proceeding in Austin, Texas, before the Senate
7 of the State of Texas, is that correct?

8 A That is correct.

9 Q And did you bring a number of forms with you at
10 that time?

11 A Yes, I did.

12 Q Are these forms contained -- are the copies
13 contained in Examiner's Exhibit Number 55, copies
14 of the form, the claim jacket and welfare
15 vouchers which you took with you to Austin, Texas?

16 A That's right.

17 Q Okay. Did you ever receive the -- those originals
18 back from when you presented them to the Senate
19 in Austin, Texas?

20 A No, I don't think that I did.

21 Q On the first page of Examiner's Exhibit 55, on
22 the right-hand side, is what you have identified
23 as a claim jacket for a welfare -- for payment
24 to the Cash Store of a welfare claim, is that
25 correct?

1 A Yes.

2 Q What is the amount of that claim?

3 A Now, what page is that?

4 Q It is the very --

5 A The first one?

6 Q Yes, sir.

7 A That is a Cash Store, Benavides, six hundred and
8 sixty-five. Is that sixty-five or sixty-six,
9 I can't make out the figure.

10 Q Sixty-five, I believe.

11 A Sixty-five dollars.

12 Q To the right-hand side of that, would you tell
13 us what that form is, which is entitled Duval
14 County, Duval County Welfare Department,
15 immediately to the left?

16 A To the left.

17 MS. LEVANTINO: May I approach the
18 witness, Your Honor?

19 THE MASTER: Yes.

20 A This, you mean?

21 Q Yes, what is the form immediately to the left
22 entitled Duval County Welfare Department?

23 A Well, that is a welfare department form for
24 authorizing.

25 Q Okay. And at the bottom of the page, there is

1 reproduced another form which has a series of
2 names on it and what would that form be?
3 A That is a sales slip from the -- from some store.
4 It is not listed here. I mean it doesn't show
5 on the sales slip.
6 Q All right.
7 A Just a blank sales slip.
8 Q And immediately to the left of that is what
9 appears to be an adding machine tape, is that
10 right?
11 A That is correct.
12 Q Would this material be included inside the claim
13 jacket that is identified -- that you have
14 identified on the right-hand side?
15 A It would be.
16 Q Okay. If you will turn the page, are there
17 similar forms contained on the next page?
18 A Yes.
19 Q Would that material also be included inside the
20 claim jacket?
21 A They would be, that is where it would be found,
22 yes.
23 Q Okay. You have just finished describing the
24 procedures by which your office processes claim
25 forms such as these, is that correct?

1 A Uh-huh.

2 Q Would the procedure just elicited from you by
3 counsel, Mr. Mitchell, in the process of your
4 claim forms contained in Exhibit -- Examiner's
5 Exhibit Number 55, be identical or substantially
6 similar to that process with which Mr. Mitchell
7 has --

8 A It would be exactly the same.

9 Q It would be exactly the same?

10 A Yes.

11 Q If you will now turn to what has been identified
12 as Examiner's Exhibit Number 56 beginning on
13 page 440 of the item which you have?

14 A 440?

15 Q Yes, would you tell the Court for the record
16 what that exhibit contains?

17 A That is Duval County check.

18 Q Is that a copy --

19 A Or a warrant, whatever you want to call it.

20 Q The first -- what is the -- on the first one on
21 the -- that page, the top, what is the claim
22 number on that check?

23 A Claim --

24 Q Can you read that?

25 A That is -- no, I can't, it is D83, it looks like,

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or 53.

Q In conjunction with your previous testimony, would one of these correspond with a claim form submitted to the county commissioners?

A Yes, it would.

Q Before it would be issued?

A Yes.

Q And I believe it was your testimony, your previous testimony, that --

MS. LEVANTINO: Strike that.

Q Would you please look at page 451 of the book.

THE MASTER: I am sorry. We have got to stop. I have people waiting.

MS. LEVANTINO: I am sorry.

THE MASTER: We will be in recess until 8:30 tomorrow morning.

(Whereupon, the hearing was in recess from 1:05 p.m. on November 11, 1975, until 8:30 a.m. on November 12, 1975.)