

**INQUIRY CONCERNING A JUDGE
NO. 5**

NOVEMBER 12, 1975

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BEFORE THE
STATE JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A JUDGE, NO. 5

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NOVEMBER 12, 1975

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1 THE MASTER: Mr. Meek, you are still
2 under oath and I would appreciate it if you
3 would have a seat.
4

5 EXAMINATION CONTINUED

6 BY MS. LEVATINO:
7

8 Q Mr. Meek, I'm handing you Examiner's Exhibits
9 55 and 56 which were introduced yesterday.

10 THE MASTER: I have them neither offered
11 nor admitted and I am probably wrong on
12 that. You, as I recall, Mr. Mitchell, agreed
13 to these Exhibits being offered subject to
14 the general objections that you have.

15 MR. MITCHELL: Right.

16 THE MASTER: Which you will state again
17 now.

18 MR. MITCHELL: Thank you, Your Honor,
19 I would object to the introduction of E-55,
20 H-1 through 38 and E-56, H-1 through 12.
21 They go beyond the formal notice. They are
22 beyond the term doctrine, that is, none of
23 them having occurred after January 1st,
24 1975.

25 MS. LEVATINO: Your Honor, I would

1 point out that in the daily transcript these
2 Exhibits were offered Mr. Mitchell expressed
3 no objections subject to only questions on
4 cross-examination and they were accepted.

5 THE MASTER: I thought they had been
6 admitted, too, but I have allowed him a
7 standing objection on these grounds.

8 MS. LEVATINO: All right, Your Honor.

9 THE MASTER: -- at a previous session
10 and I just have him restate it daily so
11 that the record will reflect it. It is --
12 in my view a completely legal theory, that
13 is, defensive, and does not really go to
14 the admissibility or non-admissibility of
15 the documents and he is just protecting the
16 record by not waiving, and I don't think he
17 could if he didn't object.

18 MR. MITCHELL: That is right.

19 THE MASTER: But you prefer to object.

20 MR. MITCHELL: I am sorry, I did not
21 explain that to Counsel, that the Court had
22 last week required me on a daily basis to
23 restate those, I think, four basic objec-
24 tions that we had to all evidence, but
25 thank you for the opportunity, Your Honor.

1 to reassert those to E-55 and E-56, Judge.

2 THE WITNESS: Before we start, may I --
3 I think Mr. Mitchell -- I think I saw him
4 with a magnifying glass. If I could borrow
5 that I could read these figures a lot better.
6 I don't have my regular reading glasses with
7 me.

8 THE MASTER: If anyone has a magnifying
9 glass he would be willing to make it avail-
10 able --

11 JUDGE CARRILLO: I know where one is,
12 Judge, and I will get it.

13 MS. LEVATINO: Since I will begin the
14 questioning referring to these checks, could
15 we wait for the magnifying glass?

16 THE MASTER: Yes, sir.

17 (Discussion off the record.)
18

19 Q (By Ms. Levatino:) Mr. Meek, on Exhibit 56,
20 Examiner's Exhibit 56, which is a reproduction of
21 a number of Duval County checks, I refer you to
22 the first check which appears on the first page
23 of that Exhibit.

24 A Yes.

25 Q Would you tell the claim number of that check?

1 A That is 193,D-193.

2 Q All right, now I will refer you to Examiner's
3 Exhibit Number 55 on page 415.

4 A 453, did you say?

5 Q 415, four one five.

6 A All right.

7 Q Would you read me the claim number that appears
8 on that page, please.

9 A That is 193.

10 Q Would you tell --

11 MR. MITCHELL: Pardon me, I'm confused.
12 Is that 415, if it is I don't see it.

13 MS. LEVATINO: Yes, it is page 415 in
14 Exhibit 55, Examiner's Exhibit 55.

15 A That is D-173, I miscalled that number.

16 Q I believe it is 193 because there are reproductions,
17 some of it is not quite as clear as it was.

18 MR. MITCHELL: Are you calling that
19 193? It looks like 173.

20 THE MASTER: Mr. Mitchell, you just
21 can't do that, that is too informal.

22 MR. MITCHELL: I can't see the number
23 193, that is my problem, Judge.

24 THE MASTER: I don't know whether it is
25 193 or 173.

1 MR. MITCHELL: I just can't tell if
2 that is what he is calling it, I am satis-
3 fied it is there.

4 A I believe it is 193, Your Honor.

5 Q Mr. Meek, what would the relationship between the
6 check in Examiner's Exhibit 56, Subdesignation H-2-(1)
7 and the claim which appears in Examiner's Exhibit
8 55, Subdesignation H-1-(27) be?

9 A The relationship, are you talking about this
10 claim on page --

11 Q Yes, sir, I am, sir.

12 A And the check?

13 Q Yes.

14 A Well, the check was in payment of this claim.

15 Q I would now refer you back to Examiner's Exhibit
16 56, the second check on that page.

17 A All right.

18 Q And would you tell the Court the claim number on
19 that check?

20 A D-6- 12 .

21 Q All right, now, I would now refer you to Examiner's
22 Exhibit 55 on page 417, Subdesignation H-1-(21) and
23 ask you to tell the court the claim number on that
24 page.

25 A D-6- 12 .

1 Q And what would the relationship between the check
2 in Examiner's Exhibit 56 and the claim in Examiner's
3 Exhibit 55, what would that be, please?

4 A The check was in payment of that claim.

5 Q All right. I now refer you to Examiner's Exhibit
6 56, page 441, the check at the top of that page
7 and would you read the claim form, please -- the
8 claim number. I mean.

9 A Claim number is A-8- 12 .

10 Q I would refer you to Examiner's Exhibit Number 55,
11 page 419, Subdesignation H-1-(29). would you read
12 the claim number that appears on that page, sir?

13 A That is A-8- .2 .

14 Q What is the relationship between the check in
15 Examiner's Exhibit 56 and the claim form which we
16 have just referred to?

17 A The check was in payment of that claim.

18 Q I refer you to Examiner's Exhibit 56, page 441,
19 the second check on that page and ask you to read
20 the claim number on that check.

21 A That is A-139.

22 Q I refer you to page 421 of Examiner's Exhibit 55.
23 would you tell the claim number that appears on
24 that page?

25 A That is A-139.

1 Q And what is the relationship between the check
2 and the claim?

3 A The check was in payment of that claim.

4 MR. MITCHELL: Your Honor, we are
5 going to object to the last series of ques-
6 tions insofar as they attempt to tie in the
7 claim number and the checks on the grounds
8 that that would be hearsay, there being some
9 disparity of dates as high as three and four
10 months between the claim and the check and
11 it being the witness' prior testimony that
12 those items of claims would all be considered
13 at the commissioners court following the
14 commencement of the month after which they
15 were presented and for that reason we would
16 object.

17 THE MASTER: The objection is over-
18 ruled.

1 Q All right, sir. Now, I refer you to Examiner's
2 Exhibit 56, page 442, the first check on that
3 page. Would you read the claim number, please?

4 A A-987.

5 Q On page 442, sir, of E-56 --

6 A Pardon me, I skipped a page. I don't have --
7 wait, yes, here it is, I am sorry. That is A-353.

8 Q I refer you to page 423 of Examiner's Exhibit 55
9 and ask you to read the claim form which appears
10 on that page.

11 A A-353.

12 Q What is the relationship between the check and the
13 form?

14 MR. MITCHELL: Same objection as before,
15 Your Honor.

16 THE MASTER: Overruled.

17 THE WITNESS: That check is in payment
18 of this claim.

19 Q I refer you to Examiner's Exhibit 56, the second
20 check on that page. Would you read the claim
21 number?

22 A A-770.

23 Q I refer you to page 425 of Examiner's Exhibit 55 --

24 MR. MITCHELL: Pardon me, Your Honor.

25 I have been informed Mr. Flusche is inter-

1 viewing Mr. Gonzalez in front of Mr. Chapa.
2 That is the Mr. Chapa that is called as a
3 witness. I believe the Rule has been
4 invoked and --

5 THE MASTER: I do not recall anyone
6 invoking the Rule, am I in error?

7 MR. ODAM: No, sir, but I will instruct
8 Mr. Flusche not to interview the witness in
9 the presence of another.

10 MR. MITCHELL: I think I don't have
11 to invoke the Rule, I may be in error.

12 THE MASTER: You are wrong, I believe.

13 Is it in these Rules that you
14 have to do so? I thought it was like in a
15 civil case, that you had to invoke the Rule.

16 MR. ODAM: Well, I can tell him--

17 THE MASTER: I will certainly agree
18 that it applies to all parties. You can't
19 interview witnesses in tandom either.

20 MR. MITCHELL: I don't intend to.

21 Q (By Ms. Levatino:) I refer you to page 425 of
22 Examiner's Exhibit 55, what is that claim number?

23 A A-770.

24 Q What is the relationship between the check in
25 Examiner's Exhibit 55 and Examiner's Exhibit 56?

1 A The check was in payment of that claim.

2 Q I refer you to Examiner's Exhibit 56, page 443.

3 MR. MITCHELL: May we have a
4 continuing objection to hearsay?

5 THE MASTER: Yes, sir.

6 THE WITNESS: 443, was that?

7 Q Yes, sir, page 443, the first check on that page.

8 A A-987.

9 Q I refer you to Examiner's Exhibit 55, page 427.

10 Would you read the claim there?

11 A A-987.

12 Q What is the relationship between the check and the
13 claim form?

14 A This check was in payment of that claim.

15 Q I refer you to Examiner's Exhibit 56, page 443,
16 the second check on that page. Would you read the
17 claim number for that check?

18 A A-1227.

19 Q I refer you to page 429 of Examiner's Exhibit 55
20 and ask you to read the claim number which
21 appears on that page.

22 A A-1227.

23 Q What is the relationship between the check and the
24 claim form just identified?

25 A The check was in payment of that claim.

1 Q I refer you to E-56, page 444, and ask you to
2 read the claim number on the first check on that
3 page.

4 A A-1622.

5 Q I refer you to page 431 of Examiner's Exhibit 55
6 and ask you to read the claim number on the form
7 on that page.

8 A A-1622.

9 Q What is the relationship between the check and the
10 claim for just identified?

11 A The check was in payment of that claim.

12 Q I refer you to Examiner's Exhibit E-56, page 444,
13 the second check on that page. Would you read
14 the claim number?

15 A A-2160.

16 Q I refer you to Examiner's Exhibit 55, page 434,
17 and ask you to read the claim number on that page.

18 A What page number?

19 Q 434.

20 A A-2160.

21 Q What is the relationship between the check and
22 claim form just identified?

23 A The check was in payment of that claim.

24 Q I refer you to Examiner's Exhibit 56, page 445,
25 and the first check on that page, read the claim

1 number, please.

2 A A-2843.

3 Q I refer you to Examiner's Exhibit 55, page 436, and
4 ask you to identify the claim number appearing on
5 that page?

6 A A-2843.

7 Q What is the relationship between that claim form
8 and the check just identified?

9 A That check was in payment of that claim.

10 Q I refer you to Examiner's Exhibit 56, page 445,
11 the second check on that page. Would you read the
12 claim number, please?

13 A The second check?

14 Q Yes.

15 A A-3151.

16 Q I refer you to Examiner's Exhibit 55, page 438,
17 and ask you to read the claim number appearing on
18 that page?

19 A A-3151.

20 Q What is the relationship between this check and
21 the claim form just identified?

22 A That check paid that claim.

23 Q Okay. Mr. Meek, you previously testified that your
24 office processes these claim forms and checks in
25 connection with other kinds of claims. Would you

1 tell the Court what your office goes through
2 in processing the claim forms and checks in the
3 checks we just now discussed?

4 A When they come to our office, as I have implied
5 before, we don't examine each claim that is
6 handed to us. We put them away until we are ready
7 to process the claims for the commissioners' court.
8 Each claim is examined, and I am talking about
9 all bills, not just claims, because they are all
10 mixed together. The bill is examined and we go
11 back to the records to see how much we have paid
12 ~~the~~ company or this individual and to verify the
13 claim as being due and payable.

14 Q All right.

15 A When that is done, we proceed to write the checks,
16 when we get them all processed, and then make these
17 claim jackets and put the identifying material on
18 the claim jacket.

19 Q You said, sir, that you make the checks out, is
20 this before or after you have presented these
21 claims to the commissioners court?

22 A The checks are made out after the claims have
23 gone to the commissioners court and have been
24 okayed by them.

25 Q This is substantially the same process which you

1 described yesterday in the processing yesterday?

2 A Exactly, we don't differentiate between claims or
3 bills for materials or anything else. We handle
4 them all in the same manner.

5 MS. LEVATINO: Pass the witness.

6
7
8 RE - EXAMINATION

9 BY MR. MITCHELL:

10
11 Q Mr. Meek, in the course of examining the claims
12 for the welfare department, who makes an
13 examination of the return warrants or checks to
14 see that they have been properly endorsed and
15 thereby properly chargeable to the account of the
16 county?

17 A If I understand you right, you're asking who
18 examines the return checks for endorsements, is
19 that correct?

20 Q Yes.

21 A No one that I know of. The checks come back to
22 the treasurer.

23 Q Someone assumes they have been endorsed properly,
24 I assume, and for example, in Examiner's Exhibit
25 56, would you turn to page 440, and I am looking

1 at the checks there. I notice H-2-(1) of
2 Examiner's Exhibit 56 which is the check number
3 3935, shows an endorsement by the Cash Store,
4 Abel Ysaguire.

5 A That is right.

6 Q That appears to be a proper endorsement by the
7 payee, Cash Store of Benavides, Texas, is that
8 right?

9 A I suppose it is, but if I were looking at that,
10 the check is made out to the Cash Store and I
11 would consider that one endorsement, but there
12 is another endorsement on it.

13 Q The Cash Store is an Ysaguire enterprise?

14 A I don't know.

15 Q Each item appearing on page 440 and 441, 442,
16 443, 444 and 445, all appear to be properly
17 endorsed by the Cash Store and I suppose honored
18 by Duval County in that the items were paid?

19 A Yes, I am sure these checks were never looked
20 at after they were returned from the bank.

21 Q There is no evidence that anybody else, other
22 than the Cash Store, cashed the check?

23 A That is beyond our province. This check would
24 have gone to any number of people after the Cash
25 Store people endorsed it. There would be nothing

1 wrong in that.

2 Q It would appear from this endorsement that Mr.
3 Abel Ysaguire or the other Mr. Ysaguire, I believe
4 those are referring to 440 through 445?

5 A Yes.

6 Q Now, counsel has asked you, as regards the
7 procedure followed for the processing of the welfare
8 checks, and I will ask you a few questions along
9 those lines before I move to another subject.

10 I believe your testimony was previously that
11 the same procedure essentially exists in the county
12 for the payments of these welfare claims as
13 evidenced by Examiner's Exhibit 55 and appearing
14 on page 351, as existed for the payment of claims
15 by which you testified in detail yesterday?

16 A That is right, we don't differentiate between a
17 welfare bill or any other. That is out of our
18 hands to do so.

19 Q I understand. So the record is clear, referring
20 to page 351, let's take that claim 1739, is that
21 right?

22 A Yes.

23 Q Does that appear to be claim 1739?

24 A Yes, that is it.

25 Q All right. Taking it, for example, H-1-(1) is a

1 reproduction of this claim jacket?

2 A Yes.

3 Q And it is the same claim jacket about which you
4 testified yesterday that is made up by your office?

5 A Right.

6 Q And the claim number is assigned?

7 A That is right.

8 Q And the claimant is identified here and here would
9 be the Cash Store, and the amount is identified,
10 is that correct?

11 A That is correct.

12 Q And who writes in the 665 after it is examined
13 and approved, is that your office?

14 A Yes.

15 Q And then I believe further, on this claim jacket,
16 that is H-1-(1) appears that the claim is
17 examined and approved to be charged against the
18 general fund of the county treasurer?

19 A That is correct.

20 Q In addition, the code is assigned, and that is
21 Mr. Hinojosa's coding, is it not?

22 A That is right.

23 Q And that is the coding that survives through and
24 is put on the warrant of the check?

25 A Correct.

1 Q And the purpose of the warrant or check and the
2 amount again, this six sixty-five, and the
3 department being the county welfare?

4 A Correct.

5 Q All right, now, inside that jacket because of the
6 way the evidence is spread here, it might be
7 difficult for someone reading the record to envision,
8 inside that jacket there appears to be first H-1-(1)
9 which appears to be a Duval County welfare depart-
10 ment form, am I correct?

11 A That's correct.

12 Q And that bears a date, it is addressed to the Cash
13 Store, the ultimate payee, and the claimant on
14 H-1-(1).

15 A That's right.

16 Q Along with the address, am I correct?

17 A That was the last one.

18 Q Along with the address?

19 A Yes.

20 Q That has been --

21 A Yes.

22 Q And then there is -- authority to Cash Store to
23 deliver the list and by list, being a list of
24 groceries, I suppose, or a list for payment?

25 A That is what I would assume, yes.

1 Q That goes with the application and there we have
2 a list of items, am I correct?

3 A That is correct.

4 Q And the price along with the total amount?

5 A That's right.

6 Q And then there is a Duval County welfare depart-
7 ment buying in that particular exhibit, it
8 appears to be Ramiro Carrillo above the printed
9 name, Elvira DeLeon, county welfare officer, is
10 that correct?

11 A Yes.

12 Q Is Mrs. Elvira DeLeon the county welfare officer?

13 A She was and is.

14 Q Right on through?

15 A Yes, sir.

16 Q And then there is on the righthand side a signa-
17 ture of the person receiving this order, that is
18 the order from the Duval County welfare depart-
19 ment, is that correct?

20 A That's right.

21 O All right. Now, below that, H-1-(1) below that
22 appears to be the regular invoice, does it not?
23 That, I believe, is identified as a Cash Store
24 sales slip?

25 A That's right.

1 Q And it corresponds in date and persons and amounts
2 to what is contained in the Duval County welfare
3 department official form?

4 A That's right.

5 Q And also it is noted, it is for the Cash Store
6 and again Abel Ysaguirre?

7 A That's right.

8 Q That little tape to the left that counsel asked
9 you to identify appears to be a total of various
10 claims, does it not, that is the 665?

11 A Well, that is Mr. Hinojosa's tape, he ran it off.

12 Q Right, of which the 160 actually is only one
13 item?

14 A That's right.

15 Q The claim is not, of course, for six hundred and
16 sixty-five.

17 A Yes, it is for six hundred and sixty-five.

18 Q I'm sorry, I stand corrected. The claim against
19 the county is six hundred and sixty-five but the
20 specific claim for the Cash Store --

21 A That's right.

22 Q -- for six twenty-two is for one hundred and
23 sixty dollars, is that correct?

24 A Right.

25 Q And then if we look over to Exhibit Number 56 we

1 should be able to find a check paying the six
2 sixty-five, should we not?

3 A That is --

4 MR. MITCHELL: Counsel, is there one?

5 MS. LEVATINO: Counsel, there is
6 not. We have identified earlier all of
7 the checks which are paying claims for
8 in here, these are just the ones we iden-
9 tified on the direct.

10 MR. MITCHELL: I picked a bad example,
11 but let me carry it through verbally.

12 Q The claim that is now the jacket going back to
13 page 351, Mr. Meek, don't let me get ahead of
14 you, going back to 351.

15 A Is that the --

16 Q Page 351, go back to page 351 for me, please.

17 A Page 351.

18 Q Yes, sir, have you got it?

19 A Is that in the checks or --

20 Q No, the claim forms.

21 A Oh, the claim forms, 351, all right.

22 Q The document reproduced on page 351.

23 MR. MITCHELL: Which, for the record,
24 is Exhibit 55, Examiner's H-1-(1) to (38).

25 Q Those Exhibits would be the documents presented to

1 the commissioners court?

2 A That's right.

3 Q All right, that would be the claim jacket, the
4 official Duval County welfare department form,
5 the execution of that order, I suppose, by the
6 Cash Store as it is here and the tape, Mr. Hinojosa
7 apparently taping together the number of claims
8 presented on that date under that number for
9 the six sixty-five.

10 A They would all be in that one claim jacket.

11 Q Right, so that the claim jacket, as appears in
12 the Exhibit, is not complete, as I correct?
13 It does not show the other claims that have
14 been used to make up the six sixty-five.

15 A That's right.

16 THE MASTER: Mr. Mitchell, I think if
17 you turn to page 352, you will find them,
18 and that is still H-1-(1).

19 MR. MITCHELL: Very good, thank you,
20 Judge.

21 Q It appears that what has happened is that the
22 Exhibits have been spread to include the one
23 twenty-five, which would be on page 352. That is,
24 I am looking at the little tape from Mr. Hinojosa
25 there.

1 A Yes.

2 Q And the one forty which appears on --

3 THE MASTER: The one forty is the
4 bottom one on page 352.

5 Q On 352, at the bottom?

6 A Yes, sir, yes, sir, that is correct.

7 Q And the two forty which appears in the middle
8 of the page of 352 being H-1-(1)?

9 A That's right.

10 Q All going in to make up the six sixty-five which
11 is claim number A-1939?

12 A That's correct.

13 Q All right. now, each and every one of these
14 claim jackets would also include apparently the
15 memorandum, or were they, appearing on page 352,
16 which is H-1-(2) and would you mind turning to
17 page 353 and looking, for example, at the bottom
18 one on 412 on page 353, Mr. Meek, it appears to
19 be, "Please give Joe" it is illegible "twenty
20 dollars" signed by someone?

21 A Yes, I see that.

22 Q Now, if you will recall, or do you recall seeing
23 the Exhibits in the originals that these were --
24 that is, and by these, H-1-(2) on 353 were
25 actually little slips, little slips of paper

1 and signed by various persons.

2 A I would presume so, but I don't recall them
3 individually.

4 Q Because the reproduction does not accurately
5 reflect that they are separate sheets -- separate
6 little slips of paper.

7 A They would be.

8 Q Identifying persons in time, do you recall that?

9 A They would be, yes.

10 Q And they would go as part of the input into that
11 claim jacket H-1-(1), claim number 1739, it would
12 be included in the jacket?

13 A That's correct.

14 Q So that the commissioners court, if it wanted
15 to examine --

16 MS. LEVATINO: Counsel, I think we
17 need to clear this up. You are referring
18 to things that are marked as H-1-(2) as
19 H-1-(1) and I believe for the record --

20 MR. MITCHELL: I am sorry, Your Honor,
21 I stand corrected, I meant to refer on
22 page 353 as H-1-(2) being the matter repro-
23 duced on the righthand side of page 353,
24 which by the form of reproduction doesn't
25 accurately reflect the original form of the

1 Exhibit.

2 Q These are little slivers of paper, aren't they,
3 Mr. Meek?

4 A As far as I know.

5 Q And each one is included in that claim jacket?

6 A Yes.

7 Q And so that again the claim jacket which is going
8 back again to 351, which would be H-1-(1), that is
9 the claim jacket includes in it the official form,
10 appearing -- likewise on page 351, the Duval
11 County welfare department.

12 MS. LEVATINO: Excuse me, Counsel, or
13 excuse me, Your Honor, when these Exhibits
14 were introduced, they -- it was clearly
15 stated that these are a series of thirty-
16 eight separate Exhibits in Examiner's
17 Exhibit 55. Each one of them being numbered
18 differently. The claim form which Counsel
19 is now referring to is sub-Exhibit Number 411.
20 The slips which he is referring to on
21 page 353 are designated as 412. This is
22 a sub-Exhibit.

23 MR. MITCHELL: I thought that is what
24 I was doing.

25 MS. LEVATINO: I'm sorry, Counsel,

1 you were indicating --

2 THE MASTER: You have moved, I am not
3 sure but what you intend to, although I
4 might not have followed it completely, from
5 the little slips of paper that where there
6 is a handwritten notation in H-1-(2) and
7 you have jumped back to H-1-(1).

8 MR. MITCHELL: Because I am going to
9 put them little slips in that folder.

10 THE MASTER: Well, are you suggesting
11 the little slips that were in the folders
12 marked H-1-(2) were in another folder?

13 MR. MITCHELL: No, they are in the
14 jacket H-1-(1).

15 THE MASTER: Well, is that right,
16 Mr. Meek?

17 A I couldn't tell you, sir. Those folders were
18 correct when they were first handed in, but they
19 have been passed through so many hands now there
20 is no telling where they found the slips.

21 Q We have established this, I understand, Mr.
22 Meek, looking at page 351, please, sir, that the
23 claim jackets and envelope that is H-1-(1).

24 A That's right.

25 Q And in appears the official form, Duval County

1 form?

2 A Yes.

3 Q That appears as a matter of fact on page 351 as
4 H-1-(1), is that correct?

5 A That's right.

6 O And also in it is the grocery slip down at the
7 bottom which is, my copy says H-1-(1) dated also,
8 that is, 6-1 or 6-22-70, is that right?

9 A That's right, sir.

10 Q And the little tape which is in the lower left-
11 hand of page 351, which is H-1-(1), correct?

12 A That right.

13 Q Now, my next question is also in the claim jacket
14 is the source of that Duval County welfare depart-
15 ment form and that is the document appearing on
16 page 353, H-1-(2), those little slips?

17 MS. LEVATINO: Your Honor, I am sorry
18 to object, but this is a claim form which
19 appears in between the material counsel
20 is referring to and another claim form
21 identified as H-1-(2) and I believe that
22 counsel is attempting to confuse the wit-
23 ness as he has had copies of these and has
24 seen the originals and he has had copies of
25 this particular Exhibit for a long time.

1 MR. MITCHELL: Counsel, you're giving
2 me more credit for file than I have. I'm
3 trying to establish the physical conglomer-
4 ate that goes into that jacket.

5 Q Regardless of what jacket it is, Mr. Meek, it
6 contains generally an authority slip -- or authori-
7 zation ~~that~~ is in the form of a little slip that
8 appears -- the kind of which appears on page 353?

9 A That's right, we would have all supporting docu-
10 ments in there.

11 Q Right, and that is what you meant when you testi-
12 fied in Austin, when Counsel, the very same Coun-
13 sel that questioned you today, asked you to des-
14 cribe the procedure I believe and I am correct
15 when I -- when I say your testimony was that the --
16 now, I'm talking specifically about how the Duval
17 County handled it's welfare obligations and you
18 testified up there --

19 MR. MITCHELL: And incidentally,
20 Counsel, I'm questioning him on ~~page~~ 301 of
21 the official record of the Senate, the 7th
22 day proceedings.

23 Q You stated there that persons desiring welfare
24 would approach their commissioner or some other
25 county official or some welfare worker and state

1 their case and they would be given a slip of
2 paper, if it were groceries they needed to get,
3 they would go the grocery store; if it were doctor,
4 hospitalization and so on and so forth, those per-
5 sons would be referred to the people furnishing
6 those services?

7 A That's right.

8 Q All right. Now, that brings me to my next line
9 of questions, Mr. Meek, and that is the procedure
10 for the welfare payment, that is the method used
11 by the claimant setting aside now the method of
12 payment, you understand?

13 A I understand, Mr. Mitchell, but also you read from
14 my prior testimony, I think you will find also in
15 that that I testified to the fact that I have
16 never seen anyone apply for welfare. I am just
17 assuming that that is the method that they would
18 approach the proper person and they would prob-
19 ably get one of the slips that we see later on.

20 Q I understand that, and that, of course, is true
21 with everything that you have testified to, asked
22 you by Counsel, as regards all of the information
23 you necessarily have to rely on coming to your
24 office. We appreciate that.

25 A That's right.

1 Q The procedure, however, which you previously identified is that the recipient and/or applicant
2 with go directly to the welfare worker or to
3 the commissioner, or to some other official?
4

5 A That is the way I assume it is, yes.

6 Q All right. Now, turn if you would with me back
7 now to page 353. I'm going to ask you some questions.
8

9 The welfare worker or the commissioner or
10 some other official that was authorized would
11 apparently screen the welfare applicants and
12 would execute a notation the likes of which appear
13 on 353 as H-1-(2). am I correct?

14 A That's right.

15 Q And that would, in turn, underlie the application,
16 the type of which appears on page 351 on the
17 official Duval County welfare form?

18 A That's right.

19 MS. LEVATINO: Your Honor, I will have
20 to object to this. This witness has already
21 testified he has no personal knowledge of
22 this. It calls for a conclusion and assumption
23 on the basis of the witness' personal
24 knowledge.

25 MR. MITCHELL: Your Honor, I move to

1 strike all the testimony on the same basis
2 that was put to him by the examiner.

3 THE MASTER: I don't want to interfere
4 with cross-examination, but I think the
5 problem arises, Mr. Mitchell, and I want --
6 and I am not following what you are doing,
7 so I am really trying to clarify.

8 I think the problem arising, that Ms.
9 Levatino's discussion that the little written
10 slips appearing on 353 were in the jacket
11 appearing on that page rather than the
12 other jacket to which you continue to refer.
13 Now, do you disagree with that proposition?

14 MR. MITCHELL: I have no idea, they
15 were all introduced by her up there in
16 Austin. I am not even worried, Your Honor.
17 and I don't offer it for that purpose.

18 THE MASTER: I think that is what is
19 giving rise to the objection, is it not?

20 MS. LEVATINO: Yes.

21 MR. MITCHELL: She has gone through
22 the methodology of the claims, but is the
23 methodology employed in the filing of the
24 allowances and claims which is meaningless
25 without the procedure for the welfare, but

1 I am interlocking, that there are agencies
2 to which it goes, the welfare workers, or
3 other officials, and that man triggers the
4 official procedure for giving the slip. It
5 is taken into the welfare procedure, the
6 form is executed and they go to the store
7 and such and such.

8 THE MASTER: I think you are perfectly
9 entitled to develop that. I think it is
10 simply getting these slips on page 353 into
11 the jacket -- on page 353, into the jacket
12 on page 351 is where the problem is, and
13 for your examination it doesn't matter where
14 they were, does it?

15 MR. MITCHELL: That's right, and I
16 don't intend, I'm sorry, there is a misunder-
17 standing in the record, I didn't intend to
18 put them in the other jacket.

19 I don't know because Counsel had posses-
20 sion of them, and this very witness was used
21 to authenticate them and I don't know where
22 they go, Judge, and it is not really impor-
23 tant to my line of questioning.

24 THE MASTER: So irrespective of the
25 jacket, you can just get him to testify how

1 these --

2 MR. MITCHELL: Right.

3 THE MASTER: How these sums get author-
4 ized.

5 MR. MITCHELL: Right.

6 THE MASTER: -- which is what you are
7 doing.

8 MR. MITCHELL: And I am very, very
9 conscious of the people upstairs who are
10 not sitting here looking at them because
11 when they start going through here, I really
12 questioned with the man sitting in Austin
13 reading the record, Judge Meyers, and I
14 know he gets this and he looks at 351, he
15 is not -- and he looks over at 353, he's
16 going to say, "What is all of this material
17 out here in 353, and how does it relate over
18 here."

19 That's all I'm trying to do, I'm trying
20 to show how this moved together and how
21 the method of payment appears in which the
22 procedures of triggering the payment appears
23 and hope we have a clean record.

24 MS. LEVATINO: Your Honor, I do believe
25 my objection goes to a little bit more than

1 that, because the witness has testified he
2 does not know how the procedure works of his
3 own knowledge, prior to receiving these
4 things in his office. He processes them
5 from the time they get to his office, but
6 he has testified to the fact that he assumes
7 it works that way but he has no personal
8 knowledge of it.

9 MR. MITCHELL: Now, Your Honor, in
10 connection with that statement of Counsel I
11 am going to offer for the record page 229
12 of the hearing before the Senate on Monday,
13 October the 6th, 1975, and Counsel was pre-
14 sent and I want this in the record. It
15 shows the good faith underlying that objec-
16 tion.

17 If I might be permitted, as part of
18 the bill, to introduce the questions com-
19 mencing, "Would you please state your name,
20 sir?" Answer: "Walter Meek". Commencing
21 with that examination and down and through
22 questions propounded to this very same wit-
23 ness in the exact very question I just got
24 through asking him and the very detailed
25 examination of the procedures on three hundred

1 and one and particularly, Judge Meyers, in
2 the middle of page 301.

3 THE MASTER: I thought you said 329,
4 I'm completely lost.

5 MR. MITCHELL: No, 229, Judge Meyers,
6 I am sorry, 229 through and including 302,
7 the very same question, the very same proce-
8 dures inquired into and for Counsel to make
9 a statement to this Court that this witness
10 is not qualified to answer the question hav-
11 ing put the very same question to him within
12 the last sixty days, Your Honor.

13 I think the record should stand of the
14 very same questions put to this same witness.

15 THE MASTER: Well, but Mr. Meek has
16 testified that he has never seen a person
17 apply for welfare, is that correct?

18 THE WITNESS: That is correct, Your
19 Honor.

20 THE MASTER: And that you are simply
21 assuming, making an assumption by these
22 little handwritten notes and how they come
23 about.

24 THE WITNESS: That is right, sir.

25 THE MASTER: Well, the objection is

1 sustained. You can certainly develop what
2 he finds when it is delivered to him, but he
3 does not know how it comes about as I under-
4 stand it.

5 MR. MITCHELL: Well then, Judge, --

6 THE MASTER: I do not understand your
7 bill at all.

8 MR. MITCHELL: I submit that he is
9 not qualified to testify as to any of it.
10 I submit he is not qualified to testify as
11 to the checks and how it comes about because
12 he doesn't know anything about that, nor the
13 jacket, nor the claim. If that is the case,
14 he is an authenticating witness, Judge
15 Meyers, I understood that is why he is brought
16 here, and as being an authenticating witness,
17 he can certainly testify as to what is in
18 the jacket when it gets in and presents it
19 to the commissioners court.

20 THE MASTER: I take it he doesn't get
21 the jacket, he makes the jacket.

22 MR. MITCHELL: He draws the jacket.

23 THE MASTER: He gets the claim and
24 prepares the jacket himself.

25 MR. MITCHELL: That's right.

1 THE MASTER: It is prepared in his
2 office under his supervision.

3 MR. MITCHELL: Right.

4 THE MASTER: He puts the papers in the
5 jacket and presents it to the commissioners
6 court, is that correct?

7 THE WITNESS: That is correct.

8 MR. MITCHELL: That is what I tried
9 to establish.

10 THE MASTER: Just a minute, I asked him
11 a question.

12 THE WITNESS: That is correct, Your
13 Honor.

14 THE MASTER: And you are one of the
15 signers of the checks that go to pay those
16 claims once they are approved?

17 THE WITNESS: That's right.

18 MR. MITCHELL: That is right.

19 THE MASTER: His testimony with
20 respect to the claims or checks, that is
21 first hand knowledge.

22 MR. MITCHELL: But I am precluded in
23 showing how these chits for payment of
24 claims get into the jackets.

25 THE MASTER: No, you are not precluded

1 from that. What he does not know is pre-
2 cisely how the chits, as you call them,
3 comes about, he assumes that someone applies
4 to a welfare officer or commissioner or some-
5 body and that somebody writes it out, but
6 that is not personal knowledge.

7 MR. MITCHELL: Oh, I have never conveyed
8 that, Judge Meyers. I haven't asked him
9 that, I asked him if that wasn't part of the
10 package.

11 THE MASTER: Doesn't that hit the objec-
12 tion?

13 MS. LEVATINO: Yes, Your Honor.

14 MR. MITCHELL: I know the man hasn't
15 been out there soliciting those claims. I
16 asked him as part of that claim jacket, if
17 there appeared in the claim jacket chits
18 from somebody and tied it in, I thought with
19 the welfare procedure.

20 THE MASTER: Well, you may pursue that.
21 The objection simply was Ms. Levatino did
22 not understand that this witness had the
23 knowledge to testify how these little written
24 notes on 353 actually came about. That is
25 an assumption on his part.

1 MR. MITCHELL: Well, all right, I will
2 try to --

3 THE MASTER: Then do we understand?

4 MR. MITCHELL: Yes.

5 THE MASTER: All right, now do you
6 still have some bill you wish to make start-
7 ing at 229 because it has not been made and
8 this reporter can't make it unless you --

9 MR. MITCHELL: Yes, Your Honor, I
10 think I would like to offer as originally
11 stated the material appearing on direct
12 examination of this witness on October 6th,
13 1975, on 299 of the record of the proceedings
14 of the House, the Court of Impeachment on the
15 trial of Judge Carrillo from 229 through and
16 including 302.

17 THE MASTER: All right, now --

18 MR. MITCHELL: As a background for that
19 objection because, Your Honor, the very same
20 people sitting here offered all of this
21 testimony on direct including the chits,
22 including all of the claim forms, including
23 incidentally, I might add, testimony where
24 the chits came from.

25 THE MASTER: I am not sure what you

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are offering it for.

MR. MITCHELL: I simply want it in the record as regards the objections made by Counsel that there was no -- that this witness had no knowledge of the procedure when the truth of the matter is that is how I got the information. The testimony was solicited from him by these very people.

THE MASTER: I thought you just now agreed with my statement that this witness did not have personal knowledge of how the little slips came about although he knew that they were delivered to his office.

MR. MITCHELL: Judge, this witness answered under the --

THE MASTER: No, I just thought that at one time I made that statement and you said, of course, you are not undertaking to prove that with him, now are you taking the

MR. MITCHELL: I am not undertaking to prove a specific hit in a specific folder. I am undertaking to prove the methodology which he previously testified involved a slip of paper and that slip of paper being executed by some welfare worker, county

1 official, Your Honor, or the commissioner.
2 He so testified previously.

3 I am not suggesting that he had personal
4 knowledge of a specific time, place and
5 event of a chit, but the total package that
6 goes to him includes that slip and that
7 fits squarely with the procedure.

8 Now, Judge, maybe I can clarify it this
9 way. I have been accused, my client has
10 been accused of an abuse of the welfare
11 system. The purpose for my offering of this
12 testimony is to show, if it please the
13 court, there is a fixed determined system
14 for the welfare payments in that county.

15 Now, there is no way that we could
16 have cut across that system.

17 THE MASTER: But the objection came
18 about. I think --

19 MR. MITCHELL: Judge, I am sorry I
20 ever asked the question and I will withdraw
21 it. I really don't even know where I stand
22 on the record. I will withdraw the ques-
23 tion.

24 THE MASTER: But, I am trying to protect
25 the record, Mr. Mitchell.

1 MR. MITCHELL: I know, Judge.

2 THE MASTER: Do you still offer 229
3 through either 301 or 302, and, if so, I
4 want to know for what purpose.

5 MR. MITCHELL: For the purpose of show-
6 ing the bad faith of the objection, Judge,
7 because she asked the same question and
8 established that methodology no less than
9 sixty days ago and then stands up in this
10 Court and takes the position that I shouldn't
11 ask the question because he doesn't have
12 personal knowledge when the same question
13 was put to the same witness in a different
14 proceeding. That's all I wanted to offer
15 it for.

16 THE MASTER: Well, are you undertaking
17 to prove by Mr. Meek that he knows of his
18 first hand knowledge how these slips originated?
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1 MR. MITCHELL: Well, yes, in the context,
2 Judge Meyers, of the methodology of
3 triggering the welfare program. I am not
4 trying to authenticate the case of a
5 specific chit going to a payment of a
6 specific bill. My question is bottomed
7 on the same question put to this same
8 witness by counsel no less than sixty days
9 ago. That is where I got my question.

10 THE MASTER: That is testimony from
11 you, but perhaps you can ask your question
12 again and we can hear the objection again.
13 I think we have all lost sight of the
14 direction this cross-examination is taking.

15 Would you go back and see what the
16 examination is and we will hear the
17 objection and then make your bill, if you
18 choose to do so?

19 MR. MITCHELL: I will ask the question
20 on page 301.

21 THE WITNESS: Your Honor, if I may
22 say something --

23 THE MASTER: Yes, sir.

24 THE WITNESS: Mr. Mitchell seems to be
25 under the misapprehension I stated definitely

1 in that testimony this situation, but I think
2 if he reads that all and not just that one
3 sentence, I am positive I have said I didn't
4 know how, but I presumed that was it, and --

5 MR. MITCHELL: Now that I have been
6 educated by everybody, would you look at
7 page 301?

8 A I don't have it. You also accuse me of being
9 anti-welfare, which I don't believe is the case,
10 but there is more of those series of questions.

11 Q (By Mr. Mitchell:) Let me hand you page 301,
12 and reading from that, "Would you describe to
13 the members of this Court how that system
14 works in Duval County?" And your answer is,
15 "Well, it is very informal. You mentioned
16 attending commissioners court, things like that
17 rarely come up before the court. They are
18 handled independently of the court as a rule by
19 the individual commissioners, county judge and
20 other officials in the county."

21 And then the next question, "All right. Would
22 you describe to us, Mr. Meek, let's just use an
23 example of Mrs. Jones or Mr. Smith --"

24 MS. LEVATINO: Your Honor, I think if
25 counsel is going to read this into the

1 record, I would ask that he read the entire
2 thing.

3 THE MASTER: You did make an omission
4 in the reading. The question was, "All
5 right. Would you describe to us, Mr. Meek --
6 with counsel's permission, could you --
7 let's just use as an example of a Mrs. Jones
8 or Mr. Smith, who are in need of food or
9 medical attention. How would they go about
10 it?"

11 MR. MITCHELL: Yes.

12 Q And your answer was, "They would approach their
13 commissioner or some other county official or some
14 welfare worker and state their case and they would
15 be given a slip of paper -- if it were groceries,
16 they needed to go to get a certain amount of
17 groceries or to see a doctor or hospitalization,
18 just as informal as that."

19 Then, the next question, "Okay. So a needy
20 person, then, would obtain a slip of paper from
21 one of the commissioners or from some other person
22 entitled to issue such and they would take that
23 to whomever they needed to see, is that correct?"
24 And your answer was, "That's correct, sir."

25 Is that correct, Mr. Meek?

1 A That is correct as I stated it there. I am
2 guessing as to the procedure.

3 Q But that is what you testified there?

4 A Yes.

5 Q Then, going further, "Now, what does that person
6 do with that piece of paper after he performs
7 the services or gives the goods to the needy
8 person?" Did I read that correctly?

9 A Right.

10 Q And your answer was, "He usually includes that
11 with the sales slip that he uses to bill the
12 county for their money."

13 Then, continuing, "Okay. So, if I was going
14 to give Mr. Jones or Mrs. Smith, or whoever,
15 ten dollars worth of groceries, would I take
16 this slip and attach it with the bill and send
17 it back to that same commissioner or to your
18 office or where to get my money?"

19 Are you following where I am on page 302?

20 A Yes.

21 Q And then your answer was, "The bill would be sent
22 to my office in the form that you have stated."

23 Now, would you please turn over to page 353.
24 Do you recall about that time in the record there
25 were introduced the very exhibits we are talking

1 about now and appearing on page 351 of Exhibit
2 H-1-(1) to (38), being subdivisions of
3 Examiner's Exhibit E-55?

4 A 302?

5 Q Yes, where it was marked for identification as
6 H-1 -- (38), and that is the one in this record
7 of Examiner's Exhibit 55, H-1-(?)(38), are you
8 following me?

9 A Yes.

10 Q At that time, do you recall the slips appearing
11 on H-1-(2) were included in that offer?

12 A No, I don't recall that. We have thousands of
13 these; I don't remember.

14 Q Well, the record is incorrect, if it shows these
15 slips, is that your testimony?

16 A Mr. Mitchell, I could not possibly have sworn that
17 is the way those things happened. The informality
18 of affairs in Duval County is just that and I
19 know George Parr used to give slips of paper to
20 get a job for a man or to reduce his taxes.

21 Q My inquiry was, that page originates from the
22 person to the person in the welfare that it
23 goes to, is that correct?

24 A Yes.

25 THE MASTER: Break time, Mr. Mitchell.

1 We will be in recess for 15 minutes.

2 (Short recess taken.)

3
4 THE MASTER: You may proceed, Mr.
5 Mitchell.

6 Q Mr. Meek, can you give us an estimate of what the
7 welfare budget was in Duval County in 1974?

8 A It was -- oh, that is last year?

9 Q Yes, sir.

10 A I believe it was around one hundred fifty or sixty
11 thousand dollars.

12 Q May I ask you, please, to examine the claims
13 constituting Exhibit 55, H-1-(1) and tell us if
14 any of those are dated beyond December, 1974?

15 A What exhibit?

16 Q Examiner's Exhibit 55.

17 A Which ones do you want me to examine?

18 Q All of them. I want something to verify there
19 are none that go beyond December, 1974.

20 A Go beyond '74 to '75, is that what you mean?

21 Q Right.

22 A Without looking, I am pretty sure you are correct.

23 THE MASTER: Well, for the record, of
24 course, the exhibits are in evidence and
25 speak for themselves. I have looked and

1 don't find any.

2 MR. MITCHELL: Thank you, Judge.

3 THE MASTER: Certainly they appear to be
4 in order by dates almost exactly, starting
5 with 1970 and going well into 1974.

6 MR. MITCHELL: Thank you.

7 MS. LEVATINO: For the purpose of the
8 record, these claims were introduced in
9 chronological order.

10 THE MASTER: That last check is dated
11 December, 1974.

12 Q (By Mr. Mitchell:) So, the answer would be --

13 A Yes, that is correct. I think we excluded '75.

14 Q That was the reason I put the question to you,
15 because I believe you so indicated on your prior
16 testimony?

17 A Yes.

18 Q And for the record, there is none past December,
19 1974?

20 A Correct.

21 Q Let me ask you this. I notice -- now, referring
22 again to page 353, that is H-1-(2), and I am going
23 to ask you some questions about those little slips.

24 A What page is that?

25 Q 353 in Examiner's Exhibit 55.

1 A All right.

2 Q According to your answer previously given, the
3 commissioners of the various precincts would be
4 authorized to approve an applicant for some
5 welfare benefits or relief?

6 A That is my understanding.

7 Q It is your understanding, not based on personal
8 knowledge, but the methods used in the county?

9 A That is right.

10 Q And in addition, I suppose, the official welfare
11 officer, Mrs. DeLeon, she has that authority?

12 A Yes.

13 Q And you indicated earlier there would be other
14 officials, and I asked you, I believe, if the
15 deputy sheriff was one of those officials?

16 A Well, it is not beyond the realm of possibility.

17 Q Do you know whether or not the commissioners court
18 would designate who would be approved officials
19 and that is how we determine that, do you know that
20 of your own personal knowledge?

21 A No, I don't recall that. I don't recall hearing
22 them designate any specific person, but it is
23 within their authority to do so.

24 Q And I believe you testified that these welfare
25 claims follow the same procedure as do the claims

1 follow the same procedure as do the claims for
2 payments we discussed yesterday?

3 A Yes.

4 Q So they do go before the commissioners court and
5 this is reviewed by the court?

6 A Yes.

7 Q And would it be a valid assumption, if it was a
8 slip of a person not qualified by an official
9 person, that the commissioners court would deny
10 that claim?

11 A If they recognized it as an unauthorized person,
12 but I doubt if they would.

13 Q But you act on the commissioners sitting in session,
14 your office does?

15 A Yes.

16 Q And you do not issue checks or warrants unless
17 you are so instructed by the commissioners court?

18 A Correct.

19 Q And based on whatever evidence it hears on any
20 given claim?

21 A Correct.

22 Q And so the record is abundantly clear, is it this
23 same commissioners court you told us about, which
24 is composed of four commissioners and county judge
25 Archer Parr at that time?

1 A Yes.

2 Q And Mr. Ramiro Carrillo being a commission of
3 Precinct 3?

4 A Yes.

5 Q And only one of the four commissioners?

6 A Yes.

7 Q And only according to the testimony, one of the
8 various and sundry persons authorized to
9 initiate the welfare payment?

10 A That is right.

11 Q Now, if you would, refer with me to one more --
12 looking at page 358 of Exhibit 55, please, Mr.
13 Meek.

14 A All right.

15 MR. MITCHELL: Now, I will ask you,
16 counsel, I assume, and I am going to try
17 to state this correctly, that those sales
18 slips are a part of the input to a claim
19 on the preceding page, H-1-(3), is that
20 correct?

21 MS. LEVATINO: Yes, sir.

22 Q (By Mr. Mitchell:) Do you see those slips, Mr.
23 Meek?

24 A Yes, sir.

25 Q All right. Now, Mr. Meek, it would appear those

1 sales slip appearing on 358, H-1-(3), are sales
2 slips made out by the Cash Store, Abel, and
3 that is Abel Ysaguirre, it seems to be the same
4 signature?

5 A I imagine so.

6 Q And it appears that Cash Store by Abel, evidences
7 delivery of groceries to a Mr. Guiterrez and
8 appears to be groceries for twenty dollars?

9 A Correct.

10 Q And so on on each of those sales slips?

11 A Correct.

12 Q And those sales slips signed by the Cash Store
13 with the date and person to whom they were
14 delivered and identified as groceries would be
15 part of the claim jacket presented to the
16 commissioners court and before the court when it
17 acted?

18 A That is correct.

19 Q All right.

20 MR. MITCHELL: Now, counsel, I will
21 ask one more question, and maybe you can
22 assist me.

23 Does the material on page 361,
24 do they constitute part of the input of
25 the sales slips appearing on 358, H-1-(3)?

1 MS. LEVATINO: No, on page 60, we begin
2 with another claim jacket, H-1-(4).

3 MR. MITCHELL: All right.

4 Q (By Mr. Mitchell:) Are there claims that are made
5 and paid by the county welfare when there are not
6 the accompanying little slips?

7 A Yes, I imagine there are some. I don't recall any
8 instances, but --

9 Q That one appearing on page 357 would appear to be
10 one, would it not?

11 A Yes, that is right.

12 Q So that the record is complete, the documentation
13 could or could not include the little chits or
14 sales slips, the official order from the welfare
15 and the sales slip from the grocery store, in
16 this case?

17 A That is right.

18 Q And the identifying tape by Mr. Hinojosa, and that
19 is all put in the jacket and all presented to the
20 commissioners court?

21 A Of course, that adding machine slip Mr. Hinojosa
22 attaches that for his own convenience. That is not
23 necessarily in every jacket.

24 Q I understand.

25 A That is not an official part of it.

1 Q And that is made by your assistant as a part of the
2 procedure?

3 A That is right.

4 Q Now, one other question. As in the claims for
5 payment we talked about yesterday for services
6 and material, Mr. Meek, is there a card file made
7 up of the payees or recipients of all of these
8 welfare checks?

9 A Yes, except in the case -- if we know that someone
10 has done a special job for the county and it is
11 a one-shot proposition, we don't necessarily make
12 a card; however, his name is entered into a ledger.

13 Q Do you have a card of the type you produced
14 yesterday for Roberto Elizondo?

15 A Yes.

16 Q Do you have a card on file in your office for Mr.
17 John Salinas -- could you -- is there a central
18 record in your office to go to to see if Mr.
19 Salinas received welfare payments and show the
20 amount of them and the number of them?

21 A Not if it came through the welfare office, no.
22 I mean, if you were just a name on a sales slip
23 that had received twenty dollars worth of
24 groceries, we would not have any index card on him
25 or any other record. We would not make out a

1 check directly to him.

2 Q You answered that the first step in the proceeding
3 of the claim is to examine the bills to see if the
4 recipient has been previously paid welfare payments
5 or is otherwise qualified.

6 Do you maintain a record for that purpose?

7 A Not on welfare. We pay no cash to welfare
8 recipients.

9 Q All right. That leads to another question. I am
10 not just asking these to be inquisitive.

11 The welfare department makes whatever
12 screening they have to make on the cards appearing
13 in the documentation here?

14 A That is correct.

15 Q And that is a form, and again referring you to
16 Exhibit 55, page 351, please, sir, so that the
17 record is clear, that is the type of form,
18 H-1-(1) that is printed at the top with Duval
19 County Courthouse official seal, is that what
20 we are talking about?

21 A Yes.

22 Q Do you know of your own personal knowledge what
23 any department screening -- for example, I know
24 this one is signed Ramiro Carrillo over the
25 printed signature of Mrs. Elvira DeLeon. Do you

1 know whether or not there is any inner department
2 screening as to the Duval County welfare department
3 as to the persons listed there for the benefit?

4 Do you have any knowledge of that?

5 A You lost me there again, Mr. Mitchell. I don't
6 quite follow you on that.

7 Q Is there any -- is there any inner department or
8 welfare department screening on these applicants?

9 A Screening, did you say?

10 Q Yes, to determine their eligibility.

11 A Not in Duval County. They wouldn't go to that
12 trouble.

13 Q I notice in prior testimony that there are two
14 sources of welfare payments, one being the --
15 I believe the federal program that is located
16 over at --

17 A The bank building?

18 Q Yes, sir.

19 A That is the state, actually. There is -- there are
20 some federal welfare programs, too. I don't know
21 just what they consist of.

22 Q And those, of course, are administered in the same
23 area but by different agencies and not paid by the
24 commissioners court?

25 A That's right, there is no connection there whatsoever.

1 Q There is no connection as regards to payment but
2 you don't, of your own personal knowledge, know
3 whether there is an inner connection as between
4 those two agencies, that is, the state and the
5 federal, as regards the interchange of information
6 on the applicants?

7 A Between the state and federal and the county?

8 Q Right.

9 A I would very much be surprised if there was, but
10 I can't say that there isn't.

11 That is what I am advocating now, I think
12 there should be.

13 Q Did you receive a letter from the Attorney
14 General's office prior to coming here to testify?

15 A Yes, I believe I did.

16 Q Do you have a copy of it with you?

17 A No, I don't. It was merely stating that the--
18 I'm afraid I would have to come back here and
19 testify some more.

20 MR. MITCHELL: Yes, may I -- I offered
21 one previously, Your Honor, that -- Lord
22 knows where it is.

23 (Discussion off the record.)

24
25 Q I will hand you what has been marked as Exhibit

1 R-44 which appears to be a letter on the heading
2 of the Attorney General of Texas signed by
3 Elizabeth Levatino and ask you if you have
4 received a letter of that type, and of the content?
5 You may take a moment to read it.

6 (Handed to the witness.)
7

8 MR. MITCHELL: Perhaps counsel will
9 stipulate that a letter was sent to him,
10 Judge, of that type. I think it should be
11 in the record.

12 A Yes, I received a letter like this. I had already
13 been subpoenaed, however.

14 THE MASTER: He requested a stipulation
15 that you sent such a letter. I suppose that
16 is made unnecessary, now.

17 MS. LEVATINO: I will so stipulate;
18 I am sorry, I didn't hear you, counsel.

19 MR. MITCHELL: I may be able to help
20 you if I show you what I am talking about.
21 I am sorry, counsel, it is Exhibit R-44.

22 MS. LEVATINO: I stipulate to that,
23 no objection.

24 MR. MITCHELL: May I have a request,
25 Your Honor, that counsel state to the record

1 which witnesses the letter was written to?

2 THE MASTER: Well, she does not -- she
3 is under no obligation to. If she wishes
4 to, she may.

5 MS. LEVATINO: I wish not to at this
6 time.

7 MR. MITCHELL: All right. At any rate,
8 Your Honor, we offer R-44.

9 THE MASTER: Well, it is admitted --

10 MS. LEVATINO: Excuse me.

11 THE MASTER: Go ahead if you have an
12 objection.

13 MS. LEVATINO: My objection would be,
14 I don't see the relevancy of R-44 as it is
15 not addressed to this witness. He said he
16 received a similar one and I don't see the
17 relevancy to this proceeding.

18 THE MASTER: What is the relevancy?
19 I don't see it either.

20 MR. MITCHELL: Well, the relevancy --
21 I thought -- I thought we had crossed that
22 bridge, but if not, the relevancy, Your
23 Honor, it states -- it is a letter to the --
24 from the Attorney General to each and every
25 witness --

1 THE MASTER: No, it is a letter from
2 the Attorney General to Mr. Elizondo which
3 he says he received a similar letter.

4 MR. MITCHELL: Correct.

5 THE MASTER: So you can't get each and
6 every witness in there yet. And, so, now,
7 but go ahead, it is a letter to Mr. -- it
8 is similar to the letter that Mr. Meek
9 received.

10 MR. MITCHELL: Yes, and it states,
11 "I had hoped I would not have to ask for
12 your assistance in appearing again as a
13 witness, however, it appears that the
14 attorneys for Judge Carrillo will not
15 stipulate to the use of the record of
16 testimony in the Senate Impeachment trial
17 before the Judicial Qualifications
18 Commission. Therefore, it will probably
19 be necessary for you to testify before the
20 Master in that proceeding at some date
21 after November the 3rd, 1975.

22 "In the very near future you may
23 be subpoenaed to testify. We may have to
24 meet ahead of time to discuss the
25 proceedings. Either Mr. John W. Odam, who

1 you met during the impeachment proceedings
2 in the Senate or I will contact you about
3 that matter.

4 "Please do not hesitate to
5 contact Mr. Odam or myself if you have any
6 questions. Again, thanking you so much for
7 your participation, I certainly look forward
8 to seeing you again as we prepare for this
9 important undertaking for the Judicial
10 Qualifications Commission of Texas."

11 We say it is irrelevant,
12 it is calculated at the very outset to
13 create hostility between the witness and
14 counsel, and counsel is doing no more than
15 he has the right to do under law and that
16 is to have the witness produce evidence and
17 to stand on the burden fixed by the law,
18 Your Honor, and we think it is relevant.

19 THE MASTER: Your objection is
20 sustained.

21 MR. MITCHELL: We offer it for the
22 bill.

23 THE MASTER: Sure.

24 MR. MITCHELL: Excuse me, Judge, may I
25 take just a moment.

1 (Discussion off the record.)

2
3 Q (By Mr. Mitchell:) Mr. Meek, do you know who has
4 the custody of the minutes of the meetings of the
5 commissioners court of Duval County presently?

6 A The county clerk.

7 Q The county clerk?

8 A Yes.

9 Q And that would be whom, please, sir?

10 A Mr. Alberto Garcia.

11 Q Alberto?

12 A Yes.

13 MR. MITCHELL: Thank you, pass the
14 witness.

15
16
17 E X A M I N A T I O N

18 BY MS. LEVATINO:

19
20 Q Mr. Meek, I have just one question for you in
21 response to Mr. Mitchell's questions. When you
22 indicated that the material contained in Examiner's
23 Exhibit 55, in one of the subdivisions, for example,
24 I will show you, refer to this H-1-(1) on page
25 351?

1 A 351?

2 Q 351, the first page of Examiner's Exhibit 55.

3 A Yes.

4 Q You testified that the material identified as
5 Duval County Welfare department slip would be
6 contained in the claim jacket as well as what
7 looks like a store invoice, as well as on some
8 occasions the material found on page 353 identified
9 as H-1-(2), identified as individual slips of
10 paper?

11 A Yes.

12 Q Authorizing certain kinds of welfare?

13 A Yes.

14 Q If you received a claim form which consisted only
15 of material the item on page 351, as the store
16 invoice, would you submit a claim to the
17 commissioners court based just on that material
18 alone?

19 A You're talking about just a sales slip alone?

20 Q Yes, sir.

21 A No, without any supporting evidence, that it was
22 welfare authorized, we wouldn't pay it.

23 Q What type of supporting evidence would you require?

24 A Well, for instance, this regular welfare department
25 authorization. Now, we might pay that without a

1 sales slip, but not the other way around.

2 Q If you received a sales slip from the store, and
3 some of these white slips identified as individual
4 long white slips originally, would you -- pardon
5 me, if you received the sales slip plus the white
6 slip, would that be enough authorization to
7 present the claim to the commissioners court?

8 A Now, what do you refer to as the white slip?

9 Q I refer on page 353, Examiner's Exhibit 55, on
10 the right-hand side of that page that series of --
11 as Mr. Mitchell explained, individual slips
12 stating Cash Store --

13 THE MASTER: For the record, do you
14 mean the handwritten notes?

15 Q The handwritten notes, yes.

16 A Yes, I think we would, probably, in most cases
17 which testifies to the informality of affairs in
18 Duval County. If we could make out the name of
19 the signer of the handwritten slip, if it was a
20 commissioner, for instance, authorizing that, we
21 would pay it.

22 Q All right.

23 THE MASTER: Let me ask a question:
24 Can you make out what appears to be the
25 initials of the handwritten slips on page 353?

1 THE WITNESS: No, I am not familiar
2 with them, Your Honor.

3 Q (By Ms. Levatino:) If you could not, as you say
4 you are not familiar with these, would you --
5 pardon me, on the items we are referring to on
6 page 353 of Examiner's Exhibit 55, if you could
7 not make out those names or initials of the person
8 authorizing it, would you submit that claim to
9 the commissioners court?

10 A No.

11 MS. LEVATINO: No further questions.
12
13

14 RE - EXAMINATION

15 BY MR. MITCHELL:
16

17 Q Mr. Meek, as a matter of fact, you, I believe,
18 have testified earlier in connection with other
19 claims if there were any doubt in your mind or
20 the minds of your staff collectively, arrived at
21 as to the validity of any claims you would
22 certainly set them aside and not submit them?

23 A Well, that's correct. If they are not -- if the
24 bill wasn't complete, or if there was some lack
25 of signature on it.

1 Q All right. And --

2 A When I say I don't recognize the signature, my
3 assistant is more familiar with most of them.

4 Q And the correlary to that would be correct, you
5 never have knowingly ever submitted a claim to
6 the commissioners court which you thought to be
7 fraudulent or improperly made?

8 A That's right.

9 Q Let me ask you still another question: We asked
10 you earlier as regards the designation of the
11 persons who receive - requests from welfare
12 applicants, and I believe your testimony was, and
13 I don't want to misstate your answer, that you --
14 I believe you testified that the commissioners
15 court determined -- the commissioners court
16 determined those persons from time to time?

17 A That's right.

18 Q Do you know in addition that when they made the
19 determination or who would receive the -- or who
20 would be eligible to receive these requests from
21 prospective welfare applicants, that they also
22 determine the amounts that that person could
23 adhere or receive per month.

24 Do you know whether or not that is also a
25 part of the commissioners courts's determination?

1 A Mr. Mitchell, I hesitate because they often make
2 statements in the commissioners court as to what --
3 things like that and they are never adhered to at
4 all.

5 Q All right. For example --

6 A So, in other words, there is not very strict
7 budget control as far as the commissioners are
8 concerned. They decide one time to cut down on
9 this and cut down on that and by the next meeting,
10 they have forgotten it.

11 I am not trying to indict them for that, but
12 that is the informality of the --

13 Q I am not trying to indict them, either. I am
14 really mainly interested in the workings. I
15 believe you are answering the questions that is,
16 that the commissioners court do concern themselves
17 with the limit that each person has to -- that he
18 can initiate on behalf of the applicant, say --
19 if the testimony showed, for example, that Judge
20 Carrillo was one of the persons designated by the
21 commissioners court to whom applicants of the
22 welfare could go, that wouldn't be out of the
23 ordinary?

24 A No.

25 Q And if the evidence shows that he had a credit of

1 three hundred dollars each month for these people,
2 would that be out of the ordinary?

3 A That's right.

4 Q Or six hundred or a thousand?

5 A That's correct.

6 Q And I think you told us yesterday that the
7 commissioners court met regularly every month?

8 A That's right.

9 Q And that certainly at any given month, it giveth
10 and it certainly could taketh away, am I right,
11 Mr. Meek?

12 A That's right.

13 Q So if there were any abuse by any person, either
14 as to the amount or to the persons of the
15 commissioners court, at least in theory, whether
16 in practice or not, they would have almost a
17 monthly look at that situation?

18 A That's right.

19 Q By making a simple examination of the claims
20 presented to it for payment?

21 A That's correct. I would like to amend the
22 first part of my answer to your question. However,
23 you asked me if I ever paid anything that I knew
24 to be fraudulent. Well, I haven't, but I had
25 suspected a lot of them.

1 I paid some that I strongly suspected were
2 fraudulent. I am not talking about welfare, I
3 am talking about anything, any bill that came in.

4 Q And did you make proper notice of your feelings to,
5 or your notions or ideas to the commissioners
6 court?

7 A I usually confide to myself because it doesn't
8 do much good.

9 Q And, of course, Judge Carrillo, I don't believe,
10 has ever sat on a commissioners court?

11 A No, he hasn't.

12 Q And I believe at one time he was a law enforcement--
13 he was the county attorney?

14 A That's right.

15 Q Did you ever tell him? I think that was many
16 years ago, seven or eight or ten years ago, did
17 you ever communicate to him your suspicion that
18 there might be some improper welfare applicants?

19 A No, I don't think there were any that improper,
20 and especially welfare. I mean who can keep
21 track of welfare, not only in Duval County, but
22 in the whole country.

23 MR. MITCHELL: I believe that's all.

24 MS. LEVATINO: Your Honor, I have no
25 further questions of this witness at this

1 time, but I believe Mr. Odam would like to
2 make a statement.

3 MR. ODAM: Your Honor, yesterday I
4 slowed down and labored a little bit on
5 Exhibit E-44 through E-50 to which there
6 was an objection made and sustained at that
7 time. I would like to attempt to reintro-
8 duce into evidence at this time Exhibits
9 E-44 through E-50 by way of this witness
10 rather than having him recalled at a later
11 time.

12 THE MASTER: All right.

13
14
15 E X A M I N A T I O N

16 BY MR. ODAM:

17
18 Q Mr. Meek, I show you what has been marked as
19 Examiner's Exhibit E-44 through E-50 and ask you
20 to look at those just a moment to refresh your
21 memory from yesterday.

22 (Handed to witness.)

23
24 Q I believe your testimony yesterday was that these
25 are exhibits or are replicas for claims for

1 payment which were placed on file in your office
2 which were ultimately submitted to the county
3 commissioners court, is that correct?

4 A That is right.

5 Q What you are looking at there before you are
6 not originals, but Xerox copies, is that correct?

7 A That is correct.

8 Q Do you know where the originals of those are?

9 A Frankly, I don't. I think in Austin.

10 Q Have you had the opportunity since yesterday to
11 consult with Mr. Hinojosa as to where the originals
12 might be?

13 A No, but when we were looking for them several
14 days ago, he is very positive that he took them
15 to Austin and I am, too, as far as that goes, but
16 whether he brought them back, I think -- well, I
17 don't know whether he brought them back or not,
18 or whether they remained up there.

19 The material he brought back, he kept
20 separated in a box and not too long ago one of
21 the Rangers, Mr. Martinez, came up searching for
22 something and he took the whole box with him back
23 to the Attorney General's task force quarters
24 there in San Diego and they can't find them up
25 there.

1 Q So, really, you don't know where the originals
2 are?

3 A No, I really don't.

4 MR. ODAM: Your Honor, at this time I
5 would offer in evidence Exhibits E-44 through
6 E-50, Xerox copies of them.

7 MR. MITCHELL: If the court will
8 recall, I previously objected on four
9 grounds; one, not properly authenticated;
10 two, hearsay; the best evidence rule and
11 lack of personal knowledge, and I believe
12 the Court overruled all of the objections
13 except the best evidence and I reassert
14 all of those objections again today,
15 Judge Meyers.

16 MR. ODAM: Your Honor, this witness has
17 stated today as he does not know where the
18 originals were and at page 1164 of this
19 transcript the Court says, the hearsay
20 objection is overruled and the authentication
21 is overruled and his testimony is, he cannot
22 find the originals.

23 That is his testimony again
24 today, that he cannot find the originals.
25 I think that I confused the matter somewhat

1 by making the -- by my own statements, making
2 it reflect -- well, Mr. Mitchell said, are
3 these part of the originals that were
4 introduced in the trial, there was confusion
5 at that point.

6 His testimony is, then, and now,
7 he doesn't know where the originals are.

8 THE MASTER: I did not think yesterday
9 you had sufficiently developed the record to
10 show the unavailability of the originals.
11 There may have been some talk about he
12 didn't know where they were, but I had
13 thought the record was not clear enough and
14 that is exactly what I mean when I say--

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

16 THE MASTER: When I said, develop it,
17 but now there is some confusion in the
18 record because I don't know -- yesterday
19 you were referring to E-53 through -- I
20 mean E-43 through E-50, were you not?

21 MR. ODAM: Yes, sir.

22 THE MASTER: Or somebody was.

23 MR. ODAM: At the top of that page, I
24 say E-43, and I might have --

25 THE MASTER: And I had E-43 as being

1 admitted but then I changed it, I changed
2 my notes to show it as excluded, but I
3 think it is in evidence. Would you check
4 the record, please?

5 MR. ODAM: And again, I failed to pick
6 it up. Yesterday, I referred to E-43 through
7 E-50 and when I picked them up awhile ago,
8 going through the exhibits, I missed this
9 piece of paper and I would include today as
10 I did yesterday, which is a copy, another
11 claim for payment.

12 THE WITNESS: Yes.

13 THE MASTER: But you need to develop
14 it with respect to E-43.

15
16
17 E X A M I N A T I O N

18 BY MR. ODAM:

19
20 Q Mr. Meek, E-43, can you identify that for the
21 record?

22 A Yes, I can.

23 Q What is E-43?

24 A It is a claim made by Roberto Elizondo for \$225.

25 Q And what is your testimony as to the availability

1 of the original copy of this, do you know where
2 the original copy is?

3 A No, and I would like to make -- emphasize the
4 fact that -- the original copies were available
5 as testified to by the copy, simply because our
6 county has a reputation for losing records, they
7 are not always available.

8 I want to make it perfectly clear that those
9 records were not lost.

10 Q At one time did you have the originals?

11 A That's right.

12 Q From which you made copies?

13 A There has been nothing out of my office that I
14 haven't been able to produce.

15 Q Yes, sir.

16 MR. MITCHELL: May I ask a question on
17 voir dire, Your Honor?

18 THE MASTER: Yes, sir.

19
20
21 VOIR DIRE EXAMINATION

22 BY MR. MITCHELL:

23
24 Q Did you testify earlier, Mr. Meek, that the
25 originals of the exhibits were delivered to the

1 Attorney General's staff?

2 A No, I said they were the ones that were taken to
3 Austin by my assistant and I don't know whether
4 they were turned over at that time. I think he
5 brought them home, that is his recollection, at
6 least, and then they were picked up later by
7 the Attorney General's men.

8 Q Yes, sir.

9 A And they are somewhere between their office here
10 and either the impeachment hearing people in Austin
11 or the Attorney General's office because we don't
12 have them.

13 MR. MITCHELL: We renew our objection,
14 Judge.

15 MR. ODAM: May I ask one further
16 question of this witness, Your Honor?

17 THE MASTER: Yes, sir.

18
19
20 RE - EXAMINATION

21 BY MR. ODAM:

22
23 Q For whom would the Attorney General's office,
24 who picked these up with respect to the House
25 impeachment proceedings, do you know who that was

1 that you just referred to?

2 A At the impeachment proceedings?

3 Q Yes, I'm not talking about the Senate, but back at
4 the House Committee where these were marked as
5 Exhibits 30, et cetera.

6 A Was that the Select Committee?

7 Q Yes, sir.

8 A You say, do I know who picked them up?

9 Q With the Attorney General's office, you made the
10 response to Mr. Mitchell, you said someone with the
11 Attorney General's office and I was just curious
12 as to who it was.

13 A I was referring, I think, to the -- either -- the
14 Select Committee had them or he brought them back
15 and were turned over to Mr. Martinez, the Ranger,
16 who came up to the office, who has been in and out
17 of our office and took them over to the law library
18 where your headquarters are over there.

19 MR. MITCHELL: That is the task force
20 headquarters?

21 A That's right, and they have a recollection of that,
22 but they can't locate the -- haven't been able to
23 locate the originals.

24 MR. ODAM: Your Honor, again I would
25 offer into evidence E-43 through E-50 and as

1 the best evidence rule, I would state that
2 the witness cannot find the originals and
3 I know I am not testifying, but since
4 yesterday, I made an attempt to locate the
5 originals and all that we seem to have
6 available generally are Xerox copies at this
7 point, which this witness has identified
8 the Xerox copies and I appreciate his candor
9 in wanting to state that Duval County had
10 these originals.

11 I think that is what his concern
12 was, and I offered them into evidence,
13 Exhibits E--43 through E-50.

14 THE MASTER: The suggestion, is,
15 though, they are not unavailable since your
16 office has them. Now, I don't question
17 your representation, but the record is still
18 not clear on the unavailability of the
19 originals.

20 Obviously, if you had them, they
21 are not unavailable to you.

22 MR. ODAM: Yes, sir, and to that, I
23 say I checked with the people --

24 THE MASTER: But for the record, don't
25 you think you have to testify to that under

1 oath?

2 MR. ODAM: Yes, sir. Well, yes, sir, and
3 I do so at this time.

4 THE MASTER: Well, let's get through
5 with this witness and if you wish to, you
6 can --

7 MR. ODAM All right.

8 THE MASTER: You certainly are free to
9 take the stand, but the best evidence
10 judgment has been made. Incidentally, I do
11 not agree with it, with respect to Xerox --
12 not your personal objection, I don't agree
13 with the law of the best evidence as it
14 stands now with our 20th century method of
15 copying things. It is an old objection
16 that ought to be modified by the appellate
17 court.

18 As far as I know, it has not been
19 and as the record stands, it seems to me you
20 have not proved the unavailability of the
21 originals.

22 MR. ODAM: All right, sir. Well, I
23 would --

24 THE MASTER: Because the thrust of
25 this witness' testimony is that you have them,

1 I think.

2 MR. ODAM: I would pass the witness.

3 MR. MITCHELL: Excuse me, Your Honor,
4 my original objection, Judge Meyers, was
5 because these documents were executed by a
6 previous witness who chose to plead the
7 Fifth Amendment as the Court recalled, and
8 they were excluded on the objection of
9 improper authentication at that time, and
10 I think correctly stated.

11 Thereafter, this witness was
12 brought in and a procedure was established
13 by counsel and I assumed I am trying to
14 read the court's mind, based upon that
15 predicate testimony, the Court overruled
16 the authentication objection and the hearsay,
17 and sustained the best evidence.

18 I excepted, of course, the Court's
19 action and if the Court's action now is
20 based on the best evidence rule, is excluding
21 them, I, having already objected to the
22 hearsay and non-authentication, and those
23 objections overruled, I will withdraw the
24 best evidence objection.

25 THE MASTER: Then, they are admitted.

1 MR. MITCHELL: All right, but stand on
2 my exception to the Court's action in
3 overruling the --

4 THE MASTER: The authentication and
5 hearsay.

6 MR. MITCHELL: And the hearsay, that's
7 right, Judge Meyers, and the reason for that,
8 Your Honor, is that I believe the statute
9 provides that microfilm copies, Xerox copies
10 and accurate reproductions would be
11 admissible if I am reading the statute
12 correctly.

13 THE MASTER: I did not know there was
14 such a statute.

15 MR. MITCHELL: Yes.

16 THE MASTER: Passed when?

17 MR. MITCHELL: And again, I have a
18 great deal of commitment to this record.
19 I believe the statute provides that the
20 photostatic, microfilm, et cetera, would be
21 admissible and not subject to the best
22 evidence rule and I certainly want --

23 THE MASTER: I certainly approve that
24 statute. I was unfamiliar with it.

25 MR. ODAM: Excuse me. I am familiar

1 with it and it says that they are
2 introduced into evidence when the originals --
3 the evidence is unavailable and it was
4 passed in --

5 MR. MITCHELL: The best evidence rule,
6 I think we owe it to the record --

7 THE MASTER: You have waived best
8 evidence?

9 MR. MITCHELL: That's right.

10 THE MASTER: They are admitted.

11 MR. MITCHELL: I do not, of course,
12 admit the truthfulness as the Court knows.
13 Thank you, Judge Meyers.

14 MR. ODAM: Pass the witness.
15
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1 MR. MITCHELL: I don't believe I have
2 any further questions of this witness
3 either.

4 THE MASTER: Is Mr. Meek excused as
5 a witness or do you want him available?

6 MR. ODAM: Your Honor. I say this to
7 Mr. Meek also. I introduced into evidence
8 also a series of checks Mr. Meek signed
9 and there was no objection to them.

10 THE MASTER: Except the standing of
11 them.

12 MR. ODAM: Yes, in light of that, I
13 intend to offer other checks signed by Mr.
14 Meek, which, since there was no objection
15 at that time, I would presume now I will
16 not have to call him, since there was no
17 objection. That, of course, is up to Mr.
18 Mitchell.

19 MR. MITCHELL: That doesn't necessarily
20 follow. If he doesn't have the witness on
21 the stand, the record would be left to a
22 comparison of those admitted and offered
23 against the questioned signature, and I
24 think I don't want to mislead Counsel, but
25 I would like to have them authenticated at

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this time.

MR. ODAM: We can do that right now with this witness on these checks, but this is if it is all right with the Court, I will do that.

MR. MITCHELL: Yes, and I would not object to their being irrelevant at this time, Your Honor, and this is in deference to true authentication by this witness.

MR. ODAM: May I have just a minute, Your Honor?

THE MASTER: Yes, sir.

MR. MITCHELL: May I ask the witness a question, Judge, while Counsel is looking those up?

THE MASTE R: Yes, sir.

- - - - -

RE-EXAMINATION

BY MR. MITCHELL:

Q Mr. Meek, I believe there may have been filed petitions for removal of Ramiro Carrillo and Dan Tobin, styled Walter Meek versus Ramiro Carrillo

1 in the 229th Judicial District, is that correct?

2 A Yes.

3 Q And you have signed those petitions for removal?

4 A Yes.

5 Q And both in 92-74 and Meek versus Dan Tobin,
6 92-75, you have signed those?

7 A That is correct.

8 MR. MITCHELL: I would like to intro-
9 duce the petitions and let them speak for
10 themselves.

11 Q (By Mr. Mitchell:) The grounds set out for
12 removal have nothing to do, Mr. Meek, with the
13 matters under inquiry here today?

14 A That is correct.

15 MR. MITCHELL: Your Honor, I might
16 add further that I am doing it as a house
17 cleaning situation and it is not relevant
18 at this time, but without having to call him
19 back, I thought I would authenticate those
20 pleadings while he was here.

21 THE MASTER: They are certainly authen-
22 ticated, however, what is the relevancy?

23 MR. MITCHELL: The state of his mind
24 in testifying and the fact that the plead-
25 ings here demonstrate as to this witness

1 no alleged misconduct as to Judge Carrillo
2 in administering the welfare program.

3 THE MASTER: I think perhaps I can see
4 the admissibility of the petition with
5 respect to Ramiro Carrillo, however, I have
6 not read them.

7 MR. MITCHELL: Dan Tobin is the
8 successor county judge and would not be
9 the county judge at this time, so I will
10 withdraw 92-75.

11 THE MASTER: All right.

12
13 (Exhibit R-46 was marked for identifica-
14 tion.)

15 MR. MITCHELL: We offer R-46.

16 May I also have a request that the
17 reporter duplicate that and return it to me
18 for the pleadings filed, may I have that
19 permission?

20 THE MASTER: Yes, you may. I will
21 ask you to copy this and give you the copy
22 and keep the original that we have marked
23 for the proceedings here.

24 MR. MITCHELL: That is fine, Your
25 Honor.

1 I have no further questions, Your
2 Honor.

3 MR. ODAM: Your Honor, at this time,
4 I would simply state the purpose for intro-
5 duction of the following Exhibits pertains
6 to paragraph 7 through 12, excluding para-
7 graph 11 for general reference. As I
8 stated, the relevancy of them will be
9 placed in context at a later time.

10 MR. MITCHELL: Pardon me, you excluded
11 paragraph 11?

12 MR. ODAM: I believe that is correct.

13 THE MASTER: For the record, R-46 is
14 admitted.

15 (Exhibit R-46 admitted in evidence.)
16

17 MR. ODAM: Mark these, please.

18 (The above mentioned document was
19 marked Examiner's Exhibit 57 for identifica-
20 tion.)
21

22 - - - - -
23

24 RE - EXAMINATION
25

1 BY MR. ODAM:

2
3 Q Mr. Meek, I show you what has been marked
4 Examiner's Exhibit 57 and ask you if you can
5 identify this object?

6 A The check?

7 Q Yes.

8 A It is to the Benavides Implement and Hardware,
9 a check for one thousand eight dollars.

10 Q Does your signature appear on that check?

11 A Yes.

12 Q To whom is it made?

13 A Benavides Implement and Hardware Company.

14 MR. MITCHELL: Excuse me, Your Honor,
15 we are approaching a very serious matter.

16 May I address a question to him?

17 THE MASTER: Address it to the Court.

18 MR. MITCHELL: I wonder is Counsel is
19 aware of the testimony in federal court
20 concerning that check. There is testimony
21 of forgery concerning that check.

22 MR. ODAM: By Mr. Meek?

23 MR. MITCHELL: No, by Mr. Couling. The
24 Benavides Hardware checks, Your Honor, the
25 testimony from Mr. Couling was those checks

1 were forged, both as to the endorsements
2 and on the signatures, except for Mr. Meek.

3 MR. ODAM: The only identification of
4 this thus far is that it is made out to the
5 Benavides Implement and Hardware and signed
6 by Mr. Meek.

7 There is Mr. Couling's name on the back
8 of it. It seems that would go to that part
9 of the discussion at a later time.

10 It is offered.

11 THE MASTER: If you wish to present that
12 same testimony with respect to this instru-
13 ment, obviously you can, but I don't know
14 what the purpose of this inquiry was.

15 MR. MITCHELL: I want to be fair with
16 the Court and Mr. Odam.

17 THE MASTER: He has offered that in
18 support of evidence of those counts.

19 Q (By Mr. Odam:) Referring back to the check Mr.
20 Meek, for what amount of money is that check made
21 out?

22 A One thousand eight dollars.

23 MR. ODAM: We will offer in evidence
24 what has been marked as Exhibit E-57.

25 MR. MITCHELL: Objection, of course,

1 Your Honor, on the grounds of hearsay and
2 relevancy and, further, on the grounds of
3 the same being endorsed in blank by R. M.
4 Couling and beyond the scope of certainly
5 any specific indication.

6 THE MASTER: The objection of hearsay
7 is overruled.

8 MR. MITCHELL: May I ask the witness
9 a voir dire question to determine the ques-
10 tion of authenticity?

11 THE MASTER: Yes, sir.

12
13 - - - - -

14
15 VOIR DIRE EXAMINATION

16 BY MR. MITCHELL:

17
18 Q Mr. Meek, Exhibit E-57, did you make up this
19 exhibit from the records?

20 A No, I didn't.

21 Q Do you know where the original of this check is?

22 A Not on the spur of the moment. It could be in
23 the treasurer's files or the attorney general's
24 people could have it.

25 Q If it is where it is supposed to be, it is an item

1 drawn by the county, so it would be in the trea-
2 surer's files and apparently endorsed, is that
3 correct?

4 A Yes.

5 MR. MITCHELL: We stand on the best
6 evidence objection as well, Judge.

7 THE MASTER: The objection is sus-
8 tained.

9
10 - - - - -

11
12 RE-EXAMINATION

13 BY MR. ODAM:

14
15 Q Mr. Meek, you started to comment, do you know
16 where the original of this check is that had
17 your name on it?

18 A That particular check?

19 Q Yes.

20 A No. I have no idea. The treasurer could have
21 it unless you people have it.

22 Q And the check we are referring to here, who is
23 the county treasurer?

24 A Manuel Soliz.

25 Q Now, do you know who took it out of his office?

1 A No.

2 MR. MITCHELL: Excuse me, may I ask
3 him more more question of E-57?

4 THE MASTER: Yes.

5
6 - - - - -

7
8 VOIR DIRE EXAMINATION

9
10 BY MR. MITCHELL:

11 Q You are quite certain that is a facimile of your
12 signature?

13 A Yes.

14 Q Does any other signature appearing on it appear
15 to be not authentic?

16 A No, that is not the county clerk's signature on
17 it. It is one of his clerks that used to be
18 authorized to sign checks in his stead.

19 Q Who was that?

20 A I don't remember the girl's name. She didn't
21 know what she was signing, however, I can't make
22 it out here, I have no idea. It is one of those
23 useless rituals we have to go through.

24 MR. MITCHELL: Thank you.

25 MR. ODAM: Mark this as Examiner's

1 Exhibit 58.

2
3 (The above mentioned document was
4 marked Examiner's Exhibit 58 for identifica-
5 tion.)

6
7 - - - - -

8
9 EXAMINATION

10 BY MR. ODAM:

11
12 Q I show you what has been marked E-58. Can you
13 identify it?

14 A Yes, that is the jacket that contained the bill for
15 which that check we just referred to was made out.

16 Q And does it have a claim number on the jacket?

17 A Yes, B-911.

18 Q And does this coincide with the document I put
19 in your hand at this time?

20 A Yes, it does.

21 Q And that which you have in your right hand, is
22 that an original copy?

23 A Yes, it is the original check and statement and I
24 think the original sales slip.

25 MR. ODAM: I offer in evidence, Your

1 Honor, at this time E-58, which again --

2 THE MASTER: Well, for purpose of compar-
3 ison, give Mr. Mitchell the originals so he
4 can satisfy himself.

5 MR. ODAM: I am sorry.

6 MR. MITCHELL: Excuse me, may I inquire
7 of Counsel does he intend to offer this
8 one which is not marked?

9 THE MASTER: He intends to offer the
10 xerox copy of the jacket. In essence, what
11 he is doing is offering an original and
12 moving to withdraw it and to substitute a
13 copy. Rather than go through that process,
14 he is tendering the original with the request
15 to me that he be authorized to offer a copy,
16 is that correct, Mr. Odam?

17 MR. ODAM: Yes.

18 MR. MITCHELL: But, E-58, we don't have
19 any objection to E-58, which is a copy of
20 B-911, which, of course, it is irrelevant
21 and immaterial, being a Benavides Hardware
22 and Implement Company check. We have an
23 objection as to best evidence. There is a
24 xerox copy attached to the one made up as
25 the original and we levy the same objection

1 to this xerox check.

2 THE MASTER: He has not offered any-
3 thing but P-58.

4 MR. MITCHELL: Then the objection is
5 as the record reflects, would be the ones that
6 we have had before.

7 THE MASTER: But no best evidence,
8 since the original is here.

9 MR. MITCHELL: That is right.

10 THE MASTER: At this stage I don't
11 know whether 5, and 58 will be relevant
12 or not, but you represent you can connect
13 them to paragraph 7 through 12, excluding
14 11?

15 MR. ODAM: Yes.

16 THE MASTER: With that in mind, I will
17 admit it.

18 (E-58 was admitted into evidence.)

19
20 MR. MITCHELL: Counsel has handed me
21 an original of a jacket, statement and a
22 Benavides Implement and Hardware invoice.
23 May I have the Court inquire of counsel if
24 these intend to be kept in the courtroom,
25 because I would like to make an inquiry as

1 to authenticity of them. I notice he is
2 just entering a xerox copy of the jacket.
3 I have some inquiry down the line on that.

4 THE MASTER: Well, that request is if
5 he comes up with the original of the check
6 or with an explanation of why it is missing
7 so I will admit a copy, you might make
8 inquiry about this transaction. Will you
9 have that here, Mr. Odam?

10 MR. ODAM: Yes, sir.

11 MR. MITCHELL: Thank you, Mr. Odam,
12 and thank you, Your Honor.

13 MR. ODAM: Again, we offer E-58, a
14 copy of the claim jacket.

15 THE MASTER: It is admitted subject
16 to the relevancy.

17 (Examiner's Exhibit E-58 admitted in
18 evidence.)

19
20 MR. ODAM: Your Honor, there are
21 numerous claim jackets that I have with
22 numerous xerox copies of claim jackets that
23 pertain to 7 through 12, including paragraph
24 11. What I would suggest is that I not
25 offer into evidence at this time the other

1 claim jackets because of the time it is
2 going to take simply to organize this and
3 it may not be necessary to recall Mr. Meek
4 at a later time. I feel it is going to take
5 longer than I anticipated and I prefer to
6 let Mr. Meek go and bring him back at a
7 later time.

8 Perhaps I can get it organized with
9 him while we have the next witness and we
10 will try it that way.

11 THE MASTER: Well, that is certainly
12 agreeable with me. I was perhaps going to
13 suggest, and only by suggestion, that you
14 and Mr. Mitchell, at break time or after
15 one o'clock and after we have moved, simply
16 go over those xeroxes of the jackets and
17 the jackets themselves and see if you can
18 reach an agreement with respect to them.

19 Does that sound feasible, Mr. Mitchell?

20 MR. MITCHELL: Yes, and while Mr.
21 Meek is here, if he could be given the
22 material and assure me they are authentic --

23 THE MASTER: All right.

24 MR. ODAM: Well, I will go out with
25 Mr. Meek and hopefully I will not have to

1 recall Mr. Meek.

2 THE MASTER: I take it you have no
3 further questions of Mr. Meek at this
4 time?

5 MR. ODAM: No, I do not, Your Honor.

6 MR. MITCHELL: I do not, Your Honor.

7 THE MASTER: Thank you, Mr. Meek.

8 Who is your next witness?

9 MS. LEVATINO: Lauro Yzaguirre.

10
11 - - - - -
12
13 MRS. LAURO YZAGUIRRE,

14 being duly sworn by the Court, duly testified under
15 oath as follows:

16
17 E X A M I N A T I O N

18
19 BY MS. LEVATINO:

20 Q Would you state your full name for the record?

21 A Mrs. Lauro Yzaguirre.

22 Q Where do you live?

23 A Benavides, Texas.

24 Q How long have you lived there?

25 A Fifteen or sixteen years.

1 Q Do you work in Benavides?

2 A Yes, I work at the Cash Store.

3 Q What is the Cash Store?

4 A It is a grocery store.

5 Q Who owns the Cash Store?

6 A Before my father-in-law, two or three years, my
7 husband Abel Yzaguirre.

8 Q You stated two or three years?

9 A Well, about December, 1973, to -- you know, it
10 was transferred into his name.

11 Q When did you start working at the Cash Store?

12 A Well, I have always helped there, about fifteen
13 or sixteen years off and on.

14 Q What did you do at the Cash Store?

15 A Well, before, everything from sweeping, errands,
16 just anything.

17 Q You said before, do you do something different
18 now?

19 A Well, after my husband took over, I was put more
20 on the books and the collecting of bills and all
21 of that.

22 Q How do customers at the store pay for the grocer-
23 ies they buy at the store?

24 MR. MITCHELL: May we ask counsel to
25 fix a time as to when?

1 THE MASTER: Yes, that is a fair request.

2 The question was addressed to the current
3 date. Put it in a time frame.

4 Q As a general rule, during the time that you have
5 been at the Cash Store and in the last two years,
6 since you have been taking care of the books,
7 would you tell the Court how your customers pay
8 for the groceries.

9 A By cash or check.

10 Q Cash or check?

11 A Yes.

12 Q Do any of your customers charge groceries?

13 A Yes, they do.

14 Q What method do you use to keep track of those
15 charged?

16 A By adding machine tapes. You see, we use adding
17 machine tapes and some few we used those old
18 type sales books.

19 Q Would you explain the procedure for keeping track
20 of this?

21 A You see, customers come in, say sometimes twice
22 a day or once a day, and they sign a little tape
23 from the machine and sign it and at the morning
24 or the afternoon, I take all those tapes and put
25 it to that there, you know, like Mr. Jones' tapes

1 or Mrs. Lopez, or, you know, individually.

2 I keep them with a paper clip.

3 At the end of the month, I add each individu-
4 al's tapes and get a total.

5 Q Do you send out bills at the end of the month to
6 these people?

7 A No, with these tapes, no.

8 Q How do you get your money?

9 A Just like at the end of the month, you know, they
10 come in, or it depends on when they get paid, you
11 know. Some work for the county and some for
12 drilling companies and we get paid mostly at the
13 end of beginning of the month.

14 Q Does O. P. Carrillo have a charge account at
15 your store?

16 A He did, yes.

17 Q How long a time period did he have a charge
18 account at your store?

19 A He paid his last bill, about, I would say, a
20 month ago or two months ago.

21 Q How long before that time had he had a charge
22 account at your store?

23 A As long as I remember.

24 Q Who comes in to the Cash Store and picks up
25 groceries for Judge Carrillo and charges them to

1 his account?

2 A Tomas Elizondo --

3 MR. MITCHELL: We would like to have
4 a time frame.

5 THE MASTER: Yes, please put in a
6 time frame.

7 Q Since January, 1971, who would come into the
8 Cash Store and pick up groceries for Judge
9 Carrillo and charge them to his account?

10 A Tomas and Robert Elizondo, Patricio Garza and
11 the judge himself.

12 Q Have you seen those people you named, Tomas and
13 Roberto Elizondo and Patricio Garza, come in and
14 pick up groceries?

15 A Yes.

16 Q How do you know Tomas and Roberto and Patricio,
17 how do you know they were picking up groceries for
18 Judge Carrillo?

19 A I assume they were, they work for him.

20 Q Did they sign the adding machine tapes you referred
21 to?

22 A Yes.

23 Q What name did they put on those tapes?

24 A Their name. Sometimes they themselves would put
25 O. P. Carrillo on it, but if they did not, I

1 automatically put it, because I know they were
2 for O. P. Carrillo.

3 Q Who would come in and pay for Judge Carrillo's
4 account at the end of the month?

5 A Well, I was told he had a three hundred dollar
6 budget, so I would deduct three hundred dollars
7 from his account and if I have a difference, he
8 would either pay it or I would carry it as a
9 credit or vice versa.

10 Q Okay.

11 A Well, then, I would get a county check for seven
12 or eight hundred dollars, or whatever amount
13 that check would be, and I would credit it to
14 O. P. Carrillo's account for three hundred dollars
15 and the rest to Ramiro Carrillo's account.

16 Q Who told you Judge Carrillo had a three hundred
17 dollar credit allowance?

18 A Ramiro Carrillo, his brother.

19 MS. LEVATINO: May I approach the
20 witness?

21 THE MASTER: Yes.

22 MS. LEVATINO: Mark this, please.

23 (The above mentioned document was
24 marked Examiner's Exhibit 59 for identifica-
25 tion.)

1 Q (By Ms. Levatino:) Mrs. Yzaguirre, I have just
2 handed you what has been marked E-59.

3 A Yes, ma'am.

4 Q Can you tell me if those are photostatic copies
5 of adding machine tapes you gave me last month?

6 A Yes.

7 Q Do you know where the originals of those copies
8 are at the present time?

9 A You have them, the originals?

10 Q Yes, ma'am.

11 A You have them.

12 Q Do you recall the originals being introduced
13 into the Senate Impeachment Hearing?

14 A Yes.

15 Q Would you look at that Exhibit, please.

16 Now, in the original exhibit, which you
17 are familiar with, with each one of the items
18 which are labeled H-3-(1), were each of those
19 separate pieces of paper in the Exhibit?

20 A Well, I just have H-1-(1) through (29).

21 Q Look on the next line.

22 A Yes, I see it.

23 Q Were each of those separate pieces of paper?

24 A Yes.

25 Q Were each of those adding machine tapes?

1 A Yes.

2 Q Did these represent the method of bookkeeping
3 for charge accounts?

4 A They do.

5 Q I see there are two names on most of these
6 tapes. How does it happen there are two names
7 on them?

8 A Well, like, for example, one is O. P. Carrillo
9 at the top and Patricio Garza is on the bottom.
10 That means the name at the top was put by me or
11 my father-in-law.

12 Q On H-1-(1), that has a long series of numbers?

13 A Yes.

14 Q And what does that particular adding machine
15 tape pertain to?

16 A That is the total for all of this.

17 Q Would that be the slip representing the total --

18 A At the end of the month.

19 Q Pardon me. Let me finish my question.

20 Of all the other slips in this Exhibit?

21 A Yes, ma'am.

22 MS. LEVATINO: Okay. At this time,

23 I would offer in evidence Exhibit E-59.

24 MR. MITCHELL: Best evidence rule
25 objection, Your Honor, no proper predicate

1 and irrelevant and immaterial; no personal
2 knowledge on the part of the witness.

3 MS. LEVATINO: With regard to the best
4 evidence rule, the witness has testified
5 these were introduced into the Senate impeach-
6 ment proceedings and remain there. Now, for
7 the proper predicate, these tapes are being
8 introduced to show the method by which
9 charge accounts have been kept in her store
10 and for no other reason.

11 THE MASTER: I overrule the objection
12 and admit E-59.

13
14 (Exhibit E-59 admitted into evidence.)

15 Q Are you familiar with the method by which Duval
16 County pays the Cash Store for welfare given
17 welfare receipts?

18 A I do.

19 Q Would you explain that process?

20 A Well, some people would come to my store and
21 they would either bring slips, you know, say, for
22 thirty dollars worth, and sometimes they would
23 call by phone and say give this person so much and
24 I would give the amount I was told to give to the
25 receipt.

1 Q Who would telephone you to tell you to give
2 recipients groceries?

3 MR. MITCHELL: That would be hearsay.
4 The methodology being previously established
5 and the question is leading.

6 THE MASTER: Well, the question is not
7 leading, but shows the basis of her knowl-
8 edge.

1 MR. MITCHELL: May I ask again on the
2 time frame, Judge, please, that the question
3 be fixed within a time frame?

4 THE MASTER: I understand that this was
5 all of these were from the time -- from you
6 said January, 1971, did you not?

7 MS. LEVATINO: Yes, sir.

8 THE MASTER: From and after January,
9 1971, and unless stated differently, counsel,
10 I would assume that is the entire time frame
11 that you are referring to, counsel.

12 MR. MITCHELL: Thank you.

13 Q (By Ms. Levatino:) Mrs. Yzaguirre, you just
14 testified that someone would call by telephone to
15 authorize you or the Cash Store to give a welfare --
16 or give groceries to certain individuals?

17 A Yes, ma'am.

18 Q Did you personally talk on the telephone to
19 whoever --

20 A I did, once or twice, yes.

21 Q Who was the person that called?

22 A At one time it was Mr. Cleofus Gonzalez.

23 Q Was it anyone else?

24 A Well, sometime the commissioner's wife would
25 telephone me and tell me this lady is going, just

1 give her this amount, and I would get it.

2 Q Who -- by the commissioner's wife, whom do you mean?

3 A Mrs. Ramiro Carrillo.

4 Q Okay. Y u said that you would then -- someone
5 would come in -- would come in with a slip. I
6 would like for you to look at --

7 MS. LEVATINO: May I approach the
8 witness, Your Honor?

9 THE MASTER: Yes.

10 Q I would like for you to look at Examiner's
11 Exhibit E-55 and turn to page 407, please,
12 Mrs. Yzaguirre, that is a magnifying glass on the
13 chair next to you if you would like to use that.

14 A I think I -- well, I guess I had better.

15 Q Where are three items or three types of items
16 on that page: one being Duval County welfare form.

17 A Yes.

18 Q And one is a -- a store invoice and then a series
19 of forms written in hand with various names and
20 amounts on them.

21 A Yes.

22 Q When you said that you would -- sometimes people
23 would bring slips to the store for groceries,
24 would you tell the Court which, if any, of the
25 slips you are referring to?

- 1 A To the one signed by O. P. Carrillo.
- 2 Q The small slips written in hand?
- 3 A Yes, ma'am.
- 4 Q Would persons ever bring a form similar to the
5 one stated or printed as the Duval County
6 Welfare Department?
- 7 A Sometimes, and sometimes, rarely. but sometimes.
- 8 Q These are the two types of slips?
- 9 A Yes.
- 10 Q You were referring to?
- 11 A And they called, like I told you.
- 12 Q After you received the slips and gave the persons
13 the groceries, then what would you do to get your
14 money from the county?
- 15 A I would automatically put that under Ramiro
16 Carrillo's personal bill, you know.
- 17 Q Well, what --
- 18 A Because I didn't -- I didn't have it under
19 Commissioner Carrillo or Judge Carrillo's account,
20 I just had it under O. P. Carrillo's account and
21 Ramiro Carrillo's account. I never used the word
22 commissioner on the top or judge.
- 23 Q Okay. Now, looking back at that page --
- 24 MS. LEVATINO: That I just lost.
- 25 THE MASTER: Page 407.

1 MS. LEVATINO: Page 407.

2 Q Someone came in, if you will look at the slip,
3 this is Examiner's Exhibit 55 on page 407, it
4 says, "Give Rosa Garza twenty dollars." If someone
5 came in and gave that to you, that slip --

6 A I see it.

7 Q Do you see it?

8 A Yes.

9 Q You just said you would put it under someone's
10 account. Whose account would you put that under?

11 A Well, you see, that was brought -- when this
12 paper was brought, you know --

13 Q Well, I am not saying this specific one.

14 A Oh, yes.

15 Q I am just saying if you received one like that,
16 that had this particular designation on it,
17 whose account would you put it under?

18 MR. MITCHELL: That is what the witness
19 is trying to say, counsel. Your Honor, the
20 Duval County department, official form
21 would be brought with the designation --

22 A I would keep those things over here.

23 MR. MITCHELL: I understand that to be
24 her answer, Judge.

25 THE MASTER: Don't interrupt, Mr.

1 Mitchell, unless you have an objection. I
2 guess you're really trying to be helpful
3 there.

4 MR. MITCHELL: She was pointing to
5 it, Judge.

6 THE WITNESS: Yes.

7 MR. MITCHELL: Counsel was reading and
8 I withdraw the observation.

9 Q (By Ms. Levatino:) To clarify the record, Mrs.
10 Yzaguirre, did you just testify that the state --
11 the form saying, "Give Rosa Garza twenty dollars,"
12 written in hand, not on the printed Duval County
13 department, but the form just below that?

14 A Yes.

15 Q These are the type of slips that people would come
16 in and give to you for groceries?

17 A I don't think you're getting my point. These were
18 the slips brought when, you know, for the Judge,
19 this particular time just to put here.

20 Q Then, is it your testimony that a form similar
21 to the one printed Duval County Welfare Department,
22 is the form that you would receive?

23 A Yes, a form like this and sometimes like this, or
24 just any kind of paper, you know, give this to
25 this, and I would give it to them.

1 Q Well, would you ever receive a form similar to the
2 one below that?

3 A Yes, sometimes, yes.

4 Q Okay.

5 A Yes.

6 Q How did you --

7 MS. LEVATINO: Pardon me. Strike that.

8 Q You have testified you would take that form and
9 put it in someone's account. How did you know
10 whose account to put it in -- to attach it to?

11 A Well, for example, if this individual brought a
12 slip signed by O. P. Carrillo, it was at his
13 account. If it was, you know, sometimes like this,
14 you know, just a name signed by Ramiro Carrillo,
15 I put it in Ramiro Carrillo's account. That is
16 the way it worked.

17 Q All right.

18 A That is the way I did it.

19 THE MASTER: We need to take a break.

20 We will be in recess for about 15 minutes.

21 (Whereupon, the hearing was in recess
22 from 11:45 a.m. until 12 o'clock noon.)
23

24 THE MASTER: You may proceed, Ms.

25 Levatino.

1 Q Mrs. Yzaguirre, you have testified that --

2 MS. LEVATINO: Strike that.

3 Q How do you -- what do you do, then, after people
4 have brought in these slips, to get your money from
5 the county for these groceries?

6 A Well, like I said, I would just put them under --
7 now if this little paper was brought by, initialed
8 O. P., it would be put in his account and the
9 others, I would put them in Ramiro Carrillo's
10 account.

11 Q Okay. Then, how would you get paid for those?

12 A At the end of the month, the commissioner would
13 bring me a check for seven or eight hundred
14 dollars and I would apply three hundred dollars on
15 O. P. Carrillo's account and the rest to Ramiro
16 Carrillo's account.

17 Q How would the commissioner know how much money to
18 bring you or how much the check should be?

19 MR. MITCHELL: That would be hearsay,

20 Your Honor, as to this witness.

21 MS. LEVATINO: Let me rephrase the
22 question.

23 Q Did you have to fill out any forms for the
24 commissioner or the commissioners court before you
25 would get a check from that court?

1 A Yes, ma'am.

2 Q All right. Would you --

3 A They would bring me one like on page 407, Duval
4 County Welfare Department or whatever it says.

5 Q Excuse me, Mrs. Yzaguirre, that is Examiner's
6 Exhibit 55 on page --

7 A Right, 55 on page 407.

8 Q All right.

9 A The one that says Duval County Welfare Department
10 with names.

11 Q All right.

12 A And the amounts, the commissioner would bring me
13 that and from that I would copy that -- on the
14 left, those names, and get say the total of seven
15 or eight hundred dollars or whatever the amount.
16 That is the way -- but I would --- would bring me
17 the names and I would copy it to this little
18 sales slip or whatever it is.

19 Q All right.

20 A And he would bring up this -- with the -- white the
21 white blanks and with this -- from the store, I
22 think, you know, the Cash Store, and he would take
23 them to -- I guess to the -- I don't know, to the
24 commissioners court, I guess.

25 Q Okay. Now, you said the commissioner would bring

1 you what the Duval County welfare --

2 A Yes, ma'am, the white thing, you know.

3 Q All right.

4 A With the names and the amounts.

5 Q By the commissioner, who are you referring to?

6 A Ramiro Carrillo.

7 Q So, Ramiro Carrillo brought you that form?

8 A Yes, ma'am.

9 Q Okay. And then you would take the names and amounts
10 on that form and write them on the slip of the
11 paper immediately to the left on page 407?

12 A Yes, ma'am, on the left of this one.

13 Q Okay. I believe next to you, there will be a
14 package of exhibits, one designated Examiner's
15 Exhibit 56.

16 A Yes.

17 Q Do you have that?

18 A Yes, ma'am.

19 Q If you would turn to page 442, please. On the top
20 of that page, there is a photostatic copy of the
21 check. Would you tell the Court who the check
22 is made out to, for how much and what the claim
23 number is?

24 A The check is made out to the Cash Store, Benavides,
25 Texas, for the amount of \$710 and the claim number--

1 you mean on the check?

2 Q Yes, read the next -- it is on the next line.

3 A I don't even see a claim number.

4 MS. LEVATINO: May I approach the
5 witness?

6 THE MASTER: Yes. I really don't know
7 why you're having to do that. I can read it
8 as well as she can.

9 MS. LEVATINO: All right.

10 THE MASTER: And it is in evidence.

11 Q Now, just below that is a photostatic copy of
12 the other side of that check?

13 A Yes, ma'am.

14 Q Who endorsed that check?

15 A I did.

16 Q Okay. Now, I would refer you to Examiner's
17 Exhibit 55, that is the other book at page 423.

18 A Okay.

19 Q On the right-hand side of that page there is a
20 jacket with the claim number A-353 for the amount
21 of \$710.

22 A Yes, ma'am.

23 Q Do you see that?

24 A Yes.

25 Q Could you tell me what the relationship between

1 that claim jacket and the check which you just
2 identified was?

3 A Well, it was for that -- the check that I just saw
4 is for the amount of that jacket or whatever you
5 call it.

6 Q Okay. I would like to direct your attention to
7 the -- what has been referred to generally as the
8 sales slip from the Cash Store that appears in the
9 middle of that page and is dated 1-22-74.

10 A Yes, ma'am.

11 Q Can you tell me whose handwriting that is?

12 A Mine.

13 Q Okay. On line -- next to the number 7 on that slip
14 is the name Patricio Garza. Do you know Patricio
15 Garza?

16 A Yes, I do.

17 Q Can you tell the Court whether or not he gets
18 groceries at the Cash Store?

19 A He does. He has an account with us.

20 Q Can you tell the Court how he pays for his
21 groceries?

22 A He pays it with the check he gets from working.

23 Q Does he come into your store and pay you for his
24 groceries?

25 A His wife does.

1 Q His wife?

2 A Usually his wife.

3 Q Can you tell me what that slip, which is the one
4 dated 1-22-74, represents or why you wrote out
5 that slip?

6 A I wrote it because I copied it from a Duval
7 County welfare, you know, the one on top. I
8 copied the names from the one on top, you know,
9 Eva Garza, you know.

10 Q So this slip was made out again to get reimbursement?

11 A Yes, ma'am.

12 Q From the county for groceries?

13 A Yes, ma'am.

14 Q Well, if Patricio Garza is paying for his own
15 groceries at the end of the month, why did you put his
16 name on this slip?

17 A Because it came in this original -- that was brought
18 to me by the commissioner.

19 Q Okay. But you stated that he always paid for his
20 own groceries?

21 A Yes, ma'am.

22 MR. MITCHELL: Excuse me, Your Honor.

23 Now, the objection will be hearsay. We have

24 tied in Eva Garza and Patricio Garza. Now

25 the ultimate fact issue with something wrong

1 with Patricio, we move to strike on the
2 grounds of hearsay.

3 THE MASTER: Overruled.

4 Q Did Patricio Garza, on 1-22-74, receive groceries
5 from your store that he did not pay for and were
6 paid for by county funds?

7 A No, he did not.

8 MR. MITCHELL: Well, Your Honor --

9 Q Okay. Would you look at the other seven names
10 on that particular slip. Can you tell the Court
11 of your own knowledge if any of these people whose
12 names appear on that slip received groceries from
13 your store that they did not pay for but were
14 paid for by the County?

15 A You're talking about H-(31)?

16 Q The same slip, ma'am.

17 A Well, the only one to my knowledge was Eva Garza.

18 Q Okay. Do you know Beatrice Hinojosa?

19 A Probably if I see her, I would know her.

20 Q If she walked into your store, would you recognize
21 her?

22 A I don't think so, unless they say this is
23 Beatrice, maybe I have seen the lady before, and
24 I would know it was her, I mean --

25 Q But to your knowledge, she never received --

1 A To my knowledge, no, no.

2 Q If she received groceries, you, as bookkeeper of
3 the store -- would you as bookkeeper of the store
4 receive any kind of paper or indication that she
5 received the groceries?

6 A Yes, ma'am. She would come, like I say, with the
7 little paper, with the name or like I said, by
8 telephone, telling me to give this lady this or
9 that.

10 Q Okay. The total on that particular invoice is
11 \$255. If you didn't apply it to any groceries
12 received by Patricio Garza, for example, what did
13 you do with the check, \$255 of the \$710 check that
14 you received from the county?

15 A Well, it didn't come as a \$255 check.

16 Q I understand.

17 A It came together, all together, in one separate
18 check for like, for example, these \$710, you have
19 to add two or three of these slips to make that
20 amount.

21 Q I understand.

22 A You see.

23 Q All right. But of the --

24 A When I got this check for \$710, I would deduct
25 \$300 and apply to O. P. Carrillo's account and

1 the rest to the commissioner's account.

2 Q Why would you apply \$300 to O. P. Carrillo?

3 A I was told to do so, I did it.

4 Q Who told you to do that?

5 A His brother, the commissioner.

6 Q Okay. Would you look back at Exhibit E-56.

7 A Yes.

8 Q Would you look at the remaining checks outside
9 of the one we just talked about on there and tell
10 the Court how you applied the proceeds of those
11 checks?

12 A In the same manner.

13 Q All of those checks?

14 A Well, I deducted \$300 and I applied the rest to
15 the Commissioner.

16 Q All right.

17 A That's all I can --

18 Q Okay.

19 MS. LEVATINO: Now, for counsel's
20 benefit, I am going to go through some
21 names, whose -- who appear on the exhibit
22 marked E-56 -- pardon me, E-55, which I
23 believe counsel has.

24 If he would like, I can refer to,
25 as I read off the names, refer to each one

1 of the subparagraphs within Exhibit E-55
2 or whatever the pleasure or counsel or the
3 Court is.

4 THE MASTER: Well, counsel, the request
5 is directed primarily at you or to you. Do
6 you want to know -- I think the record
7 should reflect the portion of the exhibit
8 from which you are reading names, yes.

9 MR. MITCHELL: Yes, and also, Your
10 Honor, if I could, what purpose is she -- if
11 she knows personally or they were standing
12 there before, her personal knowledge, I mean
13 really, I would like her to ask the question
14 in full so I would know the purpose of her
15 question.

16 THE MASTER: Well, she can conduct the
17 examination the way she sees fit.

18 MR. MITCHELL: I agree, Judge.

19 Q (By Ms. Levatino:) Mrs. Yzaguirre, do you know who
20 Jose Sandajar --

21 THE MASTER: All right. Where are you
22 reading from?

23 MS. LEVATINO: I will do this right now.

24 Q In Exhibit Number 56, Subdivision H-1-(6) page
25 368.

1 MR. MITCHELL: Page what?

2 MS. LEVATINO: Page 368.

3 A Exhibit what?

4 Q E-55.

5 A Okay. Page what?

6 Q Page 368.

7 A Well, my pages aren't -- 368, yes.

8 Q It is on --

9 A All right.

10 Q On the slip dated 6-15-71, which is the bottom slip
11 on that page.

12 A Okay.

13 Q The name Jose Sandajar appears.

14 A Of course, that is my father-in-law's writing.

15 MR. MITCHELL: Right.

16 Q But the name does appear there?

17 A Yes.

18 Q Okay. On page 370, on the slip dated 2-11-71, the
19 name, do you see the name Jose Sandajar on the
20 third line?

21 A Yes, ma'am.

22 Q On page 371, the slip dated 12-3-69, do you see
23 the name Jose Sandajar?

24 A Now, that is my --

25 Q Do you see the name?

1 A Yes, the name, I see it.

2 Q On page 373, on the slip dated 3-18-71?

3 A Yes, ma'am, I see it.

4 Q Do you see the name Jose Sandajar?

5 A Yes, ma'am.

6 Q On page 376 on the slip dated 4-13-71 do you see
7 the name Jose Sandajar?

8 A 4-17-71?

9 Q 4-13-71.

10 A Oh, yes.

11 Q In the upper right-hand corner.

12 A Yes, ma'am.

13 Q Okay. On page 379 on the slip dated 5-10-71 on
14 the Cash Store slip, do you see the name Jose
15 Sandajar?

16 A Page 379?

17 Q Yes, in the Cash Store slip at the bottom there?

18 A Yes, I see it now, yes.

19 Q All right. 384, page 384, the slip dated 8-3-71,
20 do you see the name Jose Sandajar?

21 A Yes.

22 Q All right. On page 399?

23 A Yes.

24 Q The slip dated 5-4-72?

25 A Yes, ma'am.

1 Q All of these places where Jose Sandajar's name has
2 appeared that we have just identified, for what
3 reason would that name have been put on those
4 slips?

5 MR. MITCHELL: Excuse me, Your Honor,
6 we are going to object it would be hearsay
7 as the witness tried to answer the sales
8 slips are not in her handwriting, they are
9 in Abel Yzaguirre's handwriting. She would
10 have no personal knowledge. Consequently,
11 her answer would be speculation, guess and
12 hearsay.

13 THE MASTER: I will overrule the
14 objection.

15 Q Please answer the question.

16 A Will you please ask --

17 Q Okay. On the slips -- why would Jose Sandajar's
18 name appear on those slips?

19 A Well, the only reason, to my knowledge, because he
20 was in the welfare thing, I mean copied down there.

21 Q To your knowledge, has Jose Sandajar ever received
22 groceries from your store?

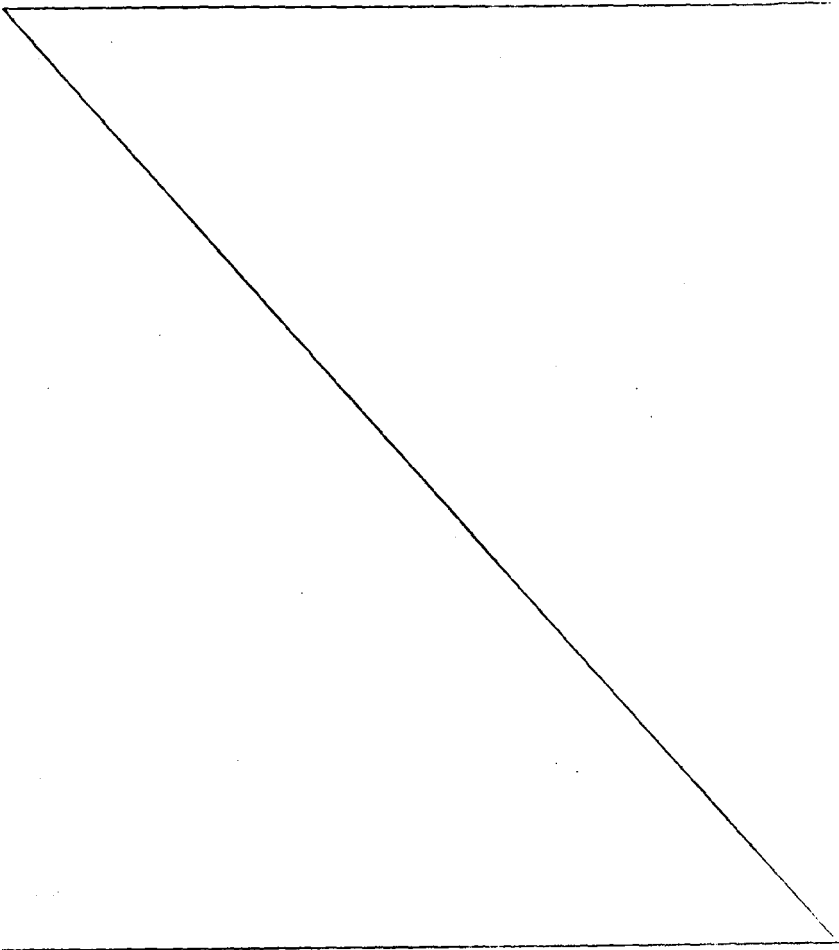
23 MR. MITCHELL: And that, of course,
24 would be hearsay, Your Honor. We object
25 to it, too.

1 THE MASTER: You and I simply do not
2 agree on what is hearsay, and what isn't.

3 The objection is overruled.

4 Q To your knowledge --

5 A Okay. To my knowledge, I have never given Jose
6 Sandajar food that was paid by the county, to my
7 knowledge.



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- 1 Q Do you know Mike Ruiz?
- 2 A Again, I would say I don't think I know him unless
- 3 he was brought to my attention.
- 4 Q To your knowledge, have you ever given a person
- 5 named Mike Ruiz groceries?
- 6 A I have never, to my knowledge.
- 7 Q Do you know Tomas Elizondo?
- 8 A Yes, I do.
- 9 Q Would you turn to Exhibit E-55, page 420, please?
- 10 A Yes.
- 11 Q The claim dated 2-25-74?
- 12 A Yes, ma'am.
- 13 Q Does his name appear on that claim?
- 14 A Yes, ma'am.
- 15 Q Would you turn to page 425?
- 16 A Yes.
- 17 Q The claim dated 3-6-74?
- 18 A Yes.
- 19 Q Does his name appear on that claim?
- 20 A It does.
- 21 Q Is that your handwriting on the Cash Store slip?
- 22 A Yes, ma'am.
- 23 Q Okay. Does Tomas Elizondo get groceries at
- 24 your store?
- 25 A Well, yes, he doesn't trade like the others. He

1 would be by, maybe two or three bills, and that
2 it about all.

3 Q To your knowledge, has Tomas Elizondo received
4 groceries from your store that were paid for by
5 the county?

6 A Well, he took groceries but not for Tomas Elizondo.
7 He took groceries for the Judge and it was paid
8 by the Judge, but Tomas Elizondo never took gro-
9 ceries for him paid by the county.

10 Q Is it your testimony that to your knowledge you
11 have never given Toma. Elizondo for his personal
12 use that were paid for by the county?

13 A No, ma'am.

14 Q Do you know Rosa Garza?

15 A Yes.

16 Q Does Rosa Garza get groceries at your store?

17 A Yes.

18 Q How does Rosa Garza pay for her groceries?

19 A By check where he works.

20 Q To your knowledge, has Rosa Garza received gro-
21 ceries from your store which she did not pay for,
22 but were pay for by county check?

23 A She never took groceries paid by the county.

24 Q Do you know Consuelo Hinojosa?

25 A Yes, ma'am.

1 Q To your knowledge, has Consuelo Hinojosa ever
2 received groceries from the Cash Store paid for
3 by the county?

4 A To my knowledge, no.

5 MS. LEVATINO: Pass the witness.
6
7
8
9

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

12 BY MR. MITCHELL:

13 Q Mrs. Yzaguirre, how are you today?

14 A Okay, sir.

15 Q I believe I have examined you on two occasions
16 about this same matter?

17 A Yes, sir.

18 Q I believe once was as recently as October, up
19 in Austin, and once earlier back in May of this
20 year?

21 A Well, you know the dates, I have them there.

22 Q And at that time, I believe -- let's go back to
23 May to begin with.

24 You understand I am going to ask you ques-
25 tions that perhaps I have asked you at other pro-
ceedings?

1 A Yes, I understand.

2 Q And I asked you, for example, back in October,
3 whether or not, when I asked you back in May,
4 if there were any tapes, and you told me there
5 were no tapes of any character that you could
6 deliver back in May for our examination, do you
7 recall that?

8 A I do.

9 Q And when I asked you that in October, I believe
10 you delivered those tapes marked E-59 and intro-
11 duced here in evidence, is that correct?

12 A Correct.

13 Q And the explanation was that you didn't have them
14 in May and in October, you explained that some of
15 the youngsters had found them?

16 A That is true.

17 Q But the way you handle your bookkeeping is that
18 the tapes and all of the charge slips were delivered
19 to the customer and there was no record kept by
20 you, other than the one you delivered?

21 A I threw half of them away myself.

22 Q And the only record we have here, and that is the
23 ones between May and August, was it, this here?

24 A Yes.

25 Q And I also asked you at that time -- on direct

1 examination you have been asked several questions
2 and repeatedly I have asked for a time fix and it
3 was from June, 71, to sometime in 1973, is that
4 correct?

5 A Yes.

6 Q Now, let me ask you in connection, first of all,
7 with some of the Exhibits introduced. Let's look
8 at 56 first.

9 A 56?

10 Q Yes.

11 A Okay.

12 Q Do you have it?

13 A Yes.

14 Q Now, the endorsements on those checks -- well,
15 let's start on page 440. The first check, which
16 is H-2-(1), and that is signed by Abel Yzaguirre?

17 A Yes.

18 Q Who is Abel Yzaguirre?

19 A He still is, he is my father-in-law.

20 Q And Lauro Yzaguirre, that is your husband?

21 A Correct.

22 Q And the date of that check, that is January,
23 1973, he apparently was endorsing the checks
24 paid to the Cash Store?

25 A Yes.

1 Q I will ask you to look at H-2-(2) and ask you
2 is that Abel Yzaguirre's signature and is that
3 the endorsement of the Cash Store?

4 A Yes.

5 Q There is no reason to suspect that the money
6 didn't go into the Cash Store account under these
7 two checks.

8 A That is correct.

9 Q Look at the top of 441, being H-2-(3), and that
10 is a check dated April 23, 1974. Who endorsed
11 that?

12 A I did.

13 Q And that was put in your bank account?

14 A To the Cash Store, yes.

15 Q I will ask you to look please at the check on
16 the bottom of page 441, being a Cash Store account,
17 and ask you who endorsed that?

18 A I did.

19 Q And that check is also in January, 74, is it not?

20 A Yes, sir.

21 Q All right. Now, the first two that I asked you
22 about were dated in 1973 in January. These were
23 endorsed by your father-in-law, right?

24 A Yes.

25 Q When did you start endorsing them, in 1974?

1 A Something like that.

2 Q Prior to that time, Mrs. Yzaguirre, would it be
3 fair to say that your father-in-law handled the
4 deposits or your husband?

5 A My father-in-law.

6 Q I also notice -- well, certainly Exhibit 56 is
7 not all the checks you got from the county of
8 Duval. Would it be fair to say that all of the
9 checks up to February, 1974, were endorsed by your
10 daddy-in-law and your husband?

11 A After 74?

12 Q Prior to.

13 A My father-in-law.

14 Q Then I want to direct your attention to those
15 Exhibits under E-55. Would you turn to those for
16 me, please.

17 Let's start with page 351.

18 Now, there we have sales slips at the
19 bottom of 351 being H-1-(1) dated in 1970, do
20 you see that?

21 A Yes.

22 Q And that is Abel Yzaguirre's signature?

23 A Yes.

24 Q Is that the same Abel Yzaguirre you testified
25 endorsed the checks in E-56?

1 A Yes.

2 Q So on June 22nd, 1970, Abel Yzaguirre signed
3 indicating he had delivered to Rafael -- whatever
4 that name is, the people listed on that sales
5 slip, that he had made deliveries?

6 A Yes, in fact, that is my handwriting. I copies
7 it from that last page.

8 Q It is signed by Abel, is it not?

9 A I put it Abel, because the store belonged to him
10 then.

11 Q You left in 1970 and became operated on?

12 A Yes.

13 Q In August, 1970?

14 A Yes.

15 Q In August, 1970, you were not in the store?

16 A I could not be.

17 Q Well, I am not trying to embarrass you.

18 A No, you didn't.

19 Q You testified that people came and went and you
20 were not in the store from August, 1970, until
21 1972, is that correct?

22 A Something like that.

23 Q I believe I asked you previously and you testified
24 when I asked you if you were absent from the store
25 for two years, you said 70 to 71, and I asked you

1 could it have been that it was sometime in 72.

2 A I told you I could not remember.

3 Q All right. It is quite fixed in your memory
4 that you left the store and were operated on here
5 in Corpus?

6 A Yes.

7 Q In August, 1970, that would be September, October,
8 November and December of 1970 plus all of 1971?

9 A Yes.

10 Q And now, can you tell us, please, when you went
11 back into the store, your present best recollection?

12 A Well, like I said, probably at the end of that
13 year or the middle, I would not know.

14 Q So that you would not know, of course --

15 A I would come in and go out, but I don't know
16 exactly the dates.

17 Q As I say, you were not present from August, 1970,
18 until sometime in 1972, but, of course, you did
19 not attend to the daily business of the store
20 during that time?

21 A No I didn't.

22 Q So you would not know, of course, the sales made
23 by the folks there at that time?

24 A No.

25 Q And I have asked you this previously, but who in

1 the family worked in the store besides you during
2 January, 1970, until you went back in 1972? I
3 believe Abel did?

4 A Yes, and my husband, Lauro.

5 Q And those youngsters also helped at times?

6 A Yes.

7 Q Can you give us the name of the youngsters that
8 worked in the store from August, 1970, until 1972?

9 A Well, at that time my daughter was not married,
10 so her name is Beatrice Elena and she is married
11 now.

12 Q That is the lady you told us about earlier?

13 A Yes.

14 Q Okay.

15 A And Milda Anna Yzaguirre.

16 Q Do you know any other person, other than the
17 ones you have named, and I am talking about the
18 period from January, 1971, to 73, that worked
19 in the store?

20 A Not that I recall.

21 Q Could you tell the Court, please, how many times
22 you were there, if any, from January, 1971, to
23 1972, when you came back, or I assume you came
24 back in 1972.

25 A I hope so.

1 Q Can you tell us how many days you were there?

2 A I cannot tell you, because I went up there even
3 if I was sick and helped as I could.

4 Q And then left?

5 A Yes, to rest.

6 Q Would you say that would be infrequently?

7 A During my sickness, of course.

8 Q Could you tell us when you went back on sort of
9 a permanent basis in 1972?

10 A Probably, like I told you, maybe the middle of
11 1972.

12 Q Would it be fair to say June, 1972?

13 A Well, put June, I don't know.

14 Q You started back on a regular basis?

15 A Yes, because I was feeling much better.

16 Q I notice the checks and documents introduced in
17 evidence relate to 1974. You have signed those
18 and you don't sign any of them in 1970 or 71?

19 A No, just when my husband took over.

20 Q If you were, of course, not there, as you have
21 testified you were not, you would not know who
22 the people in the store would make sales to, because
23 you were not there?

24 A Probably, yes.

25 Q And you would not know to whom groceries were

1 delivered and to whom they were not?

2 A That is right, how could I.

3 Q And you could not know who charged and who didn't
4 charge for the groceries?

5 A If I was not there, I would not know.

6 Q And you would not know who made out the sales
7 slips or who did not for that period of time, is
8 that correct?

9 A Well, the people in the store, Abel or Lauro.

10 Q You personally would not?

11 A No.

12 Q And you would not know personally what documenta-
13 tions were made to the county or to anybody?

14 A Of course, if I was not there, how could I know.

15 Q And you would not know whether Judge Carrillo was
16 in there during that period of time?

17 A Yes, I would.

18 Q During that period of time, you were not there,
19 you mean?

20 Q Yes, I could see from my house as to who came and
21 who didn't. I was resting, but I would see people
22 coming and going. I am not close to the store
23 but I have eyes.

24 Q Were you close enough to see Judge Carrillo sign
25 those tickets?

1 A No, sir, I could not.

2 Q Were you close enough to him to see him sign those
3 tickets, because you testified under oath you
4 saw him sign those tickets?

5 A The tickets I have said I saw him sign, yes.

6 Q You saw him sign the tickets in evidence in
7 Exhibit 59 on August 19, 1972?

8 A Yes, probably by that time I was there.

9 Q I am just asking.

10 A I am just telling you, too.

11 Q Did you see him sign any of those?

12 A I probably did, because it is in 1972.

13 Q All right. Did you see him sign anything during
14 the period of time you were out, let's get it that
15 way.

16 A How could I see if I was out.

17 Q You have testified previously, I believe, if I made
18 notations correctly here, quite clearly as to whom
19 groceries were delivered to and checks paid to the
20 Cash Store and documentation of the billing to
21 the county all of that time and obviously that is
22 not correct, because you were not there.

23 A I could not tell you when I was there or not there,
24 but I am telling the truth of what they have asked
25 me.

1 Q And it would also be the truth that you don't
2 know during that period of time whether Mike Ruiz
3 was in the store?

4 A I don't know him.

5 Q And you were not there?

6 A That is right.

7 Q And the documentation shows the groceries were
8 delivered by Abel to him?

9 A I don't know him.

10 Q Or to Tomas Elizondo?

11 A Well, I do know him.

12 Q But I am talking about the period of time from
13 January, 1971, to mid-1972, during that period
14 of time.

15 A You will have to ask my father-in-law.

16 Q Or Rosa Garza, you don't know about her, because
17 you were not there, is that correct?

18 A I wish I knew exactly the date I went back, but
19 we will say June, 1972, if that is what you say.

20 Q If you have your recollection, there is no doubt
21 it was August, 1970, that you had your operation?

22 A Definitely.

23 Q And how long were you in the hospital?

24 A A month.

25 Q Where did you convalesce?

1 A In Benavides at my home.

2 Q And is June still your best present recollection
3 when you went back to the store? If you want to
4 change it --

5 A No, I don't want to change nothing. I am trying
6 to think about it.

7 Q It is a fair ~~statement~~ then to say that it was
8 about June?

9 A It is a fair statement.

10 Q In August, 1970, until you went back to work,
11 whether Roberto was in the store or not, you
12 would not know?

13 A I was not there.

14 Q Or Patricio Garza or Consuelo Hinojosa, am I
15 correct?

1 Q Or this person that you have been asked about by
2 the name of Sandajar?

3 A Jose Sandajar.

4 Q You wouldn't know he was in there, would you not,
5 from January of '71 until mid-'72, am I correct?

6 A You're sure trying to get those dates because you
7 know I was sick then.

8 Q Well, Mrs. Yzaguirre, that is correct because you
9 have testified to a lot of facts, to personal
10 knowledge which we now know is not true and I am
11 trying to be very kind about it.

12 A I'm trying to be kind, too, sir.

13 Q You did not know the sales that were made, did
14 you? You did not know the persons to whom they
15 were made, you did not make the deposit, you did
16 not do anything during that period of time, am
17 I correct?

18 A I would --

19 Q And you would --

20 A I would take my deposits to the bank, I would
21 take them, my father-in-law wouldn't take them,
22 I would take them.

23 Q But your father-in-law, up to this last year,
24 handled all of the money and endorsed all of the
25 checks.

1 A I know, but I would take deposits to the bank.

2 Q Oh, when you say he, your father-in-law, Abel,
3 did all of that up until this year, did he not?

4 A I would take the deposits to the bank even if I
5 was sick, I would drive.

6 Q And is it a fair statement to say that each and
7 every document in these records that you have
8 testified to, being 55, 56 and 59, from that -- on
9 the face of the documents from the period that we
10 have stated, you had no personal knowledge concern-
11 ing them, isn't that a fair statement?

12 A Well, like I tell you, I couldn't tell you exactly
13 the time I was out or in.

14 Q Because you weren't there, obviously?

15 A How do you know? You don't know even yourself.
16 Well, you don't know because I don't remember
17 exactly what time -- I mean what date I was there.

18 Q Mrs. Yzaguirre, why is it that you are so
19 insistent on testifying to facts about which you
20 have no personal knowledge? You have done that
21 twice now -- three times. I want to know what is
22 the reason that you have a compulsion to testify
23 as to personal facts you do not know about.

24 A My God. Because --

25 Q Ma'am?

1 A I said I was doing the thing, it is my writing.

2 Q What is your writing? You are not telling this
3 Court --

4 A Why don't you go here to where -- in '74, you're
5 going way back over here.

6 Q I know, when you select -- who helped you select --
7 who helped select those exhibits?

8 A Nobody selected nothing for me.

9 Q Those, of course, in '74, you have testified to
10 some of those, and I appreciate that fact. There
11 are none in '75 are there?

12 A Well --

13 Q I say there are none in '75, are they?

14 A Well, because they stop -- I don't know when
15 they stopped the checks.

16 Q All right.

17 A I don't have any -- for '75, they are not buying
18 any more. How could you have for '75?

19 Q All right. In addition to the welfare account
20 which Judge Carrillo had, he had also a personal
21 account, didn't he? Do you remember I asked you
22 about that earlier?

23 A To me, he only had a personal account.

24 Q And you -- well --

25 A I mean --

1 Q I don't want to get in a ring around the roses.
2 He had an account and it was all charged to that
3 account, \$300, and taken and put on it?

4 A Yes.

5 Q And what was left he paid it?

6 A Right.

7 MR. MITCHELL: I want to introduce at
8 this point, if I might be permitted to,
9 Your Honor, certain checks that were
10 previously introduced. These would appear
11 at page 544 of the hearing. May I approach
12 the witness, Your Honor?

13 THE MASTER: Yes.

14 MR. MITCHELL: I would like to have
15 these packaged up, Judge. I haven't made as
16 neat a package as counsel. I might be
17 permitted to make such a package because
18 they do --

19 THE MASTER: Well, yes, just get it
20 marked and ask any questions and then this
21 afternoon get it prepared neatly.

22 MR. MITCHELL: All right, Your Honor.
23 May I have this marked, please?

24 (Marked for identification by the
25 reporter as Exhibit R-47, 1 through 16.)

1 (Discussion off the record.)

2

3 Q Mrs. Yzaguirre, I hand you now R-47 and they
4 are numbered pages 1 through and including 16,
5 and I ask you if they appear to be copies of the
6 original checks that I believe I handed you on
7 the hearing in October in Austin as being checks
8 by Judge Carrillo payable to the Cash Store and
9 endorsed, I believe, by Abel Yzaguirre. Is
10 that what they appear to be copies of?

11 A Yes. One is endorsed by my husband and then some
12 are endorsed by me. This is --

13 Q Yes, some appear to be endorsed by you and some
14 appear to be endorsed by Lauro?

15 A Some are endorsed by my husband. He usually
16 doesn't do this, but all the rest are mine.

17 Q Now, for the purposes of the record, would you
18 start on page 546 and let's -- to determine the
19 signatures and the handwriting that might become
20 a question.

21 The checks there on 546 are all endorsed by
22 Abel Yzaguirre, are they not?

23 A Yes.

24 Q And on 547, are you with me, Abel Yzaguirre also
25 endorsed those, did he not?

1 A Yes.

2 Q And on 548, Abel Yzaguirre endorsed all of those,
3 those are in '73?

4 A Yes.

5 Q And on page 549 it would be page four of Exhibit
6 R-47?

7 A That's right.

8 Q The endorsement on those three items are also
9 Cash Store, Abel Yzaguirre?

10 A On page 549?

11 Q Yes, ma'am.

12 A Yes.

13 Q And those checks are in '73, am I correct?

14 A Yes.

15 Q And are all by Judge Carrillo to the Cash Store,
16 am I correct?

17 A Yes.

18 Q And page 550, the checks on 550, it would be in
19 May of '73, is endorsed by Abel Yzaguirre and the
20 one on May 11 of '73 is endorsed by Abel Yzaguirre,
21 am I correct?

22 A That is right.

23 Q And the one in May 19th, for \$40 is endorsed by
24 your husband?

25 A That's right.

1 Q All right. On page 551 those checks are all
2 endorsed by your father-in-law and they are in
3 November -- or May of 1973, am I correct?

4 A Yes.

5 Q On page 551?

6 A Yes.

7 Q See the ones there on page 551?

8 A Yes.

9 Q Payable to --

10 A Yes.

11 Q All endorsed by Abel, your daddy-in-law?

12 A (No answer by the witness.)

13 MR. MITCHELL: May I approach the
14 witness, Judge Meyers.

15 Q On page 6 of this exhibit, these are all endorsed,
16 are they not, by Abel, can you see them all right?

17 A Those are endorsed -- this one is by Abel, let me
18 see, it says Cash Store, Abel Yzaguirre.

19 Q That's right, and so --

20 A But I put that.

21 Q Oh, I see, that is in your handwriting, though?

22 A Yes.

23 Q All right. Are the other Abel Yzaguirres, are
24 those in your handwriting or are those in your
25 father-in-law's handwriting?

1 A These are his.

2 Q Okay. But you didn't put -- you didn't put your

3 Mrs. Lauro Yzaguirre?

4 A No.

5 Q You put Abel Yzaguirre?

6 A Yes.

7 Q Who had the authority on the bank account, Abel

8 Yzaguirre?

9 A He did.

10 Q On page 552 did you have any authority on the bank

11 account at all?

12 A After that, '75, you know.

13 Q Ma'am?

14 A Where it says Mrs. Lauro Yzaguirre, then I did

15 have.

16 Q And that would be when, please?

17 A Well, this check is dated 7-5-73 on page 553.

18 Q All right. That is commencing when you began to

19 have authority?

20 A Yes.

21 Q So you endorsed those appearing on page 553 which

22 were Judge -- which were Judge Carrillo's checks?

23 A Yes.

24 Q To the Cash Store in July of 1973?

25 A That's right.

1 Q And those are all endorsed by you on page 553, am
2 I correct?

3 A 553.

4 Q Yes, sir, and 554, am I correct?

5 A Yes, sir.

6 Q And on 555?

7 A Yes, sir.

8 Q And 556?

9 A Yes, sir.

10 Q And 557?

11 A Yes, sir.

12 Q And 558 -- no, I notice on 558 there is Abel
13 Yzaguirre. Is that Abel or is that you?

14 A That is me.

15 Q All right. That is the check in July of '72, am
16 I correct?

17 A Yes.

18 Q And on page 559, those endorsements are Abel
19 Yzaguirre's again, is that Abel or is that you?

20 A That is -- January the 15th of '72, that is his.

21 Q All right. On Page 560, those endorsements are
22 Abel Yzaguirre's and they appear to be in his
23 handwriting, don't they, and they were in April of
24 '72?

25 A Yes, that appears to be his.

1 Q All right. And then on 561, those are checks by
2 Judge Carrillo to the store in May of '72 and
3 they appear to be endorsed by your daddy-in-law,
4 am I correct?

5 A They appear, yes.

6 Q All right.

7 MR. MITCHELL: We offer R-47, Judge
8 Meyers.

9 THE MASTER: It is admitted.

10 Q Now, let me hand it back to you for some
11 questions, Mrs. Yzaguirre. Your testimony has
12 been that an account would be carried in the
13 store --

14 MR. MITCHELL: Well, strike that.

15 Q Let me -- so we can understand, I am going to
16 ask you to answer my questions at a time
17 commencing in June of '72 to the date that the
18 account closed because I don't want you to answer
19 anything not having any personal knowledge from
20 January of '71 to June of '72, okay?

21 A Okay.

22 Q From the time you went back into the store, you
23 carried an account, I suppose you carried an
24 account with Judge O. P. Carrillo?

25 A Yes, sir.

1 Q Is that correct?

2 A Yes, that is correct.

3 Q And that account would be totaled up and did you then
4 receive \$300 from the county to be charged on that
5 account as per Ramiro Carrillo's instructions to
6 you? And would you do it every month, would you
7 tape it up and close it out on a monthly basis?

8 A If it was under \$300, I would put credit due him.

9 Q All right.

10 A Or if it was over \$300, I would put credit due us.

11 Q All right.

12 A That is the way I had it.

13 Q All right. The reason I am asking that is that
14 would those checks then that you are -- that are
15 in that Exhibit R-47 be Judge Carrillo's checks
16 to pay the account that was personally due from
17 him?

18 A Well, some -- some might have been and some was
19 cash.

20 Q That he cashed?

21 A Yes.

22 Q He received cash?

23 A Yes.

24 Q All right.

25 A Sometimes he would pay the difference and some

1 was cash that he would come and get.

2 Q All right. Now, out of fairness to you, that
3 R-47, many of those checks, of course, are a
4 period of time when you weren't there. And looking
5 at only those that were there when you were there,
6 it appears that Judge Carrillo paid his account
7 about twice a month?

8 A Well --

9 Q For example --

10 A Well, no.

11 Q For example, look at May, there are three checks
12 in May, I believe, of '72. You weren't there in
13 May of '72?

14 A Personal checks.

15 Q Yes?

16 A I am surprised that there were not more because
17 every time he would take a trip or something he
18 would come and sometimes he had more than that.

19 Q What volume of business did the Cash Store do
20 that was classified as welfare business? I am
21 not talking about just what we are talking about
22 on Judge Carrillo, I am talking about a total amount
23 on a monthly basis.

24 A On welfare business?

25 Q Yes, say pick a year.

1 A Monthly, total welfare business to my knowledge,
2 not over \$100, to my knowledge. I mean, am I
3 answering your question?

4 Q You might be answering but I am afraid I don't
5 understand. How much -- let me get at it this
6 way.

7 A I mean maybe I am not --

8 Q Let's take a time when you were there, let's take
9 the middle of '73, all right?

10 A Yes, sir.

11 Q And the Cash Store participated in the welfare
12 program, did it not?

13 A Yes.

14 Q And how many -- and the Benavides store -- there
15 were other stores in there --

16 A There were several stores there, yes.

17 Q That sold to welfare recipients?

18 A I don't know, I wouldn't know about the other
19 stores, I don't know.

20 Q You don't know of any discrimination in you all's
21 favor that the welfare -- used by the welfare,
22 do you?

23 A No.

24 Q At any rate, I would like to know if you know,
25 how much total volume of business the Cash Store

1 did that was welfare business, Mrs. Yzaguirre?

2 A You mean monthly or what?

3 Q Monthly.

4 A Well, like I told you, to my knowledge, there were
5 only three or four recipients and let's just say
6 a total of not over \$100. Maybe -- is that what --

7 Q Yes, all right, and would that be true, then, for
8 the full '72, '73, '74, about that same amount
9 every month?

10 A Probably so.

11 Q Now from January of this year, '75, have you ever
12 had an occasion to do any business with Judge
13 Carrillo in your store, to date?

14 A From January?

15 Q Yes.

16 A To date?

17 Q Yes.

18 A Yes.

19 Q And that is that little -- that is that open
20 account that you have testified to earlier which
21 I believe -- has he paid you since that testimony
22 in October?

23 A Yes, I thank you very much.

24 Q And you got your check for that?

25 A Yes.

1 Q I believe you said he owed you \$5, didn't he?

2 A No, no.

3 Q What was it?

4 A Somebody called me and the one that brought the
5 message didn't bring it right.

6 Q How much did he owe you?

7 A I said -- and you can open your books, you asked
8 me if he owed me anything, and I said he didn't
9 owe me over \$5, you see.

10 Q All right. And what was the -- what was the
11 exact account, Mrs. Maguirre?

12 A \$3.34, if I am not mistaken.

13 Q And I promised he would get you that check
14 immediately?

15 A And I thank you. I wish I would have more of you
16 over there so I could collect from people that
17 owe me.

18 Q Thank you, ma'am.

19 MR. MITCHELL: Your witness.

20 MS. LEVATINO: Your Honor, we do have
21 some cross-examination.

22 THE WITNESS: Is that yours, Mr.
23 Mitchell?

24 MR. MITCHELL: That goes in the record.

25 THE MASTER: It is the court reporter's.

1 MR. MITCHELL: I will give it to him,
2 thank you, ma'am.

3 MS. LEVATINO: We do have some
4 examination but in light of the time, I
5 think it would be best to take up this
6 witness again in the morning.

7 THE MASTER: All right. We will be
8 in recess until 8:30 tomorrow morning.

9 (Whereupon, the hearing was in
10 recess at 1:05 p.m. on November 12th, 1975,
11 until 8:30 a.m. on November 13th, 1975.)
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