

**INQUIRY CONCERNING A JUDGE  
NO. 5**

**NOVEMBER 13, 1975**

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BEFORE THE  
STATE JUDICIAL QUALIFICATIONS COMMISSION

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INQUIRY CONCERNING A JUDGE, NO. 5

NOVEMBER 13, 1975

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

BY MS. LEVATINO:

1 Q Yesterday, Mr. Mitchell asked you about your  
2 absences from the Cash Store in 1971 until 1972  
3 due to illness?

4 A Yes, ma'am.

5 Q I would like to have you look at Examiner's Exhibit  
6 55, page 403, please.

7 Would you look at a Cash Store slip dated  
8 July 24th, 1972?

9 A Yes, ma'am.

10 Q Is that your handwriting?

11 A Yes, it is.

12 Q Would that indicate you were in the store working  
13 at least by July 24th, 1972?

14 A Yes, ma'am.

15 Q So you would have returned there after your  
16 illness?

17 A Yes, ma'am.

18 THE MASTER: Well, the lower one says  
19 July 5th, 1972, is that your handwriting?

20 A Yes, sir.

21 Q So it would be fair to say that in July you  
22 returned to work?

1 A Yes, ma'am.

2 Q Now, I refer you to page 351 in the same exhibit  
3 to a slip dated 6-22-70.

4 A Yes, ma'am.

5 Q Is that your handwriting?

6 A Yes, ma'am.

7 Q And now, to page 425 to a slip dated 3-6-74.

8 A March 6th?

9 Q March 6, 1974.

10 A Yes, that is my handwriting.

11 Q You have testified before that you placed the names  
12 on those slips from the Duval County welfare  
13 form given to you?

14 A Correct.

15 Q Did you follow that same procedure all of the way  
16 through?

17 A Yes, I did.

18 Q You testified yesterday you applied \$300 from every  
19 check sent in by Judge Carrillo from the county  
20 In 1974, did you follow that same procedure from  
21 every check you had submitted from July, 1972?

22 A I did.

23 Q Do you know Rosa Chapa?

24 A Yes, ma'am.

25 Q Does she buy groceries at your store?

1 A Yes.

2 MR. MITCHELL: May I again ask counsel  
3 to address or frame that question within a  
4 time frame.

5 THE MASTER: Yes, that is a fair  
6 request.

7 Q Has Rosa Chapa bought groceries in your store since  
8 January, 1971?

9 A As far as I remember, yes.

10 Q How did Rosa Chapa pay for those groceries?

11 A Well, with this check her husband gets, pays cash  
12 for them.

13 Q Does she pay cash for them every time?

14 A To my knowledge.

15 Q Does she have a charge account?

16 A Yes.

17 Q Do you know Tete Chapa?

18 A Yes, ma'am.

19 Q Since 1971, January, 1971, has Tete Chapa  
20 purchased groceries at your store?

21 A Yes, they pay, yes, he buys and pays us.

22 Q To your knowledge, since 1971, has Rosa Chapa  
23 ever received groceries from your store that were  
24 paid for by a county check?

25 A No.

1 Q Since January, 1971, has Tete Chapa received  
2 groceries paid for by county check?

3 A No, ma'am.

4 Q In answer to a question yesterday, you testified the  
5 Cash Store business totaled not over \$100 per month  
6 or three or four claimants for welfare, is that  
7 correct?

8 A Yes.

9 Q We have amounts of seven hundred, six hundred and  
10 so forth. Does this mean of the six hundred a  
11 month and other items, that one hundred dollars  
12 went for real welfare?

13 MR. MITCHELL: Objection, that is  
14 speculation.

15 THE MASTER: Objection is overruled.

16 MR. MITCHELL: Note our exception.

17 THE WITNESS: Not more than one hundred  
18 was supplied on welfare.

19 Q How many banks are there in Benavides?

20 A None.

21 Q Where would a person go to get a check cashed?

22 A Well, Hebbronville is the closest.

23 Q If a person wanted to cash a check in Benavides,  
24 where would they go?

25 A Well, they usually come to stores where they know

1           them and cash checks, personal checks, you know,  
2           and just persons we know real well come, if they  
3           are going out of town, they come to us and say  
4           will you cash a check for five hundred or one  
5           hundred or three hundred and that is the way  
6           things are done. It is common.

7           Q   When people come into your store from January,  
8           1971, to 1974, during the time you were in that  
9           store --

10          A   Yes, ma'am.

11          Q   -- to cash checks, what kind of designation or  
12          mark would be on the check to show it was for cash  
13          rather than payment for groceries?

14          A   I didn't put any mark, I put Cash Store and the  
15          amount.

16          Q   Has Judge Carrillo ever cashed checks at your  
17          store?

18          A   Yes, ma'am.

19          Q   How many times, to your knowledge, from 1971,  
20          January, 1971, through 1974, did Judge Carrillo  
21          come into your store and pay for his grocery store  
22          account by check?

23          A   Well, like I said, when there was a balance, he  
24          would sometimes take care of the balance and all  
25          the rest of the checks were cash. He would

1 probably come two or three -- you know, at the  
2 month, but that was to cash checks, you know,  
3 that was cash. Once a month he would pay the  
4 balance of what he owed that month.

5 Q Is it your testimony then that every month Judge  
6 Carrillo came in and paid you the balance of his  
7 account with a check?

8 A Well, up to about, say, about a year ago that I  
9 would -- or more, that I would just put it credit  
10 and balance, because he didn't come.

11 Q Okay. You have in front of you Examiner's  
12 Exhibit 59.

13 A Yes.

14 Q I'm sorry, Examiner's Exhibit 56, a series of  
15 checks?

16 A Yes.

17 Q Pardon me again, I was right the first time, the  
18 other checks. Judge Carrillo's checks, that is  
19 59. Would you look at that and tell the Court  
20 how many of these checks you can identify as  
21 being issued or written in payment of Judge  
22 Carrillo's grocery bill?

23 A Here are a few, I mean --

24 Q No -- yes, that's right, I am sorry.

25 A Well, the top one, that is my husband's handwriting.



1 that was for cash.

2 MR. MITCHELL: Well, now, Judge, we are  
3 going to object again, if it is her husband's  
4 handwriting, she doesn't have any personal  
5 knowledge. She couldn't have any personal  
6 knowledge. We move to strike on the grounds  
7 of speculation.

8 THE MASTER: You need to show what  
9 her personal knowledge is, Mrs. Levatino.  
10 Q Mrs. Yzaguirre, when a check would be cashed,  
11 pardon me, when a check -- when a person would  
12 come to your store to pay by check for his charge  
13 account, would you -- would you be the one to  
14 enter the payment of that account in the store?  
15 In other words, would you cross out the --

16 A Well, sometimes I would or somebody else would,  
17 but it would end in cents.

18 Q I am sorry, would you restate that, I didn't  
19 understand what you mean.

20 A Well, if a balance of his account would be paid,  
21 it would probably end in cents because in a gro-  
22 cery store it usually ends in cents not in round  
23 numbers.

24 Q Mrs. Yzaguirre, the question I am asking you, if  
25 someone were to come in and pay off this grocery

1 account with a check.

2 A Yes.

3 Q You have testified that you do bookkeeping?

4 A Yes.

5 Q Would you have to see that check or deal with it

6 to --

7 A I have to see it.

8 O Let me finish.

9 A I am sorry.

10 O To wipe out, so to speak, or to indicate that

11 the account had been paid for?

12 A Yes, ma'am, I would have knowledge of it, seeing  
13 it, yes.

14 Q If you were in the store?

15 A That's right.

16 O Would you necessarily be the one to endorse the  
17 check for the Cash Store?

18 A Well, up to the -- first, was my father-in-law  
19 up to 73, it was my endorsement, yes.

20 Q Up to 73?

21 A Well, I mean 73, down to -- up to date, that is  
22 what I mean.

23 Q But even if you didn't endorse the check, you  
24 still would have to keep the books straight, is  
25 that correct?

1 A Yes.

2 MR. MITCHELL: I am going to object,  
3 Your Honor. The constant leading of the  
4 witness, assuming controverted facts.

5 THE MASTER: Well, it is quite leading.

6 MS. LEVATINO: Yes, I am sorry.

7 Q Would you look at the check that you have there.

8 THE MASTER: I am not sure what Exhibit  
9 she is looking at.

10 MS. LEVATINO: It is Respondent's  
11 Exhibit 47.

12 (Discussion off the record.)  
13

14 Q First of all, Mrs. Yzaguirre, if you would look  
15 through those checks that you endorsed.

16 A Okay.

17 Q And tell me if any of those checks were in pay-  
18 ment of Judge Carrillo's grocery bill.

19 MR. MITCHELL: Of what, now, I didn't --

20 MS. LEVATINO: In payment of Judge  
21 Carrillo's grocery account.

22 MR. MITCHELL: We object, it would be  
23 hearsay and no personal knowledge.

24 THE MASTER: Not the ones she endorsed.

25 MRS. LEVATINO: I asked any check she

1 endorsed.

2 MR. MITCHELL: I understand, Your  
3 Honor, that wouldn't be payment of the ulti-  
4 mate issue, the payment of groceries or the  
5 account, the endorsement wouldn't be.

6 THE MASTER: Well, I suppose you have  
7 to show a little more than mere endorsement.

8 MS. LEVATINO: Your Honor, I believe I  
9 just established any checks which were  
10 received in payment of a grocery store account.  
11 Mrs. Yzaguirre would have to see and then I  
12 asked her if any -- I'm trying to identify  
13 specific checks which she endorsed and were  
14 those checks any ones which were used in  
15 payment of the account.

16 MR. MITCHELL: My objection is put to  
17 the fact that the legally operative fact  
18 would occur at the time of the payment. She  
19 would have to see them, as I understand the  
20 testimony, she would pick them up and enter  
21 them in the books, but when you ask a ques-  
22 tion as to the personal knowledge of the  
23 witness at the time of the receipt. Judge,  
24 under those facts it would be hearsay and  
25 we object.

1 THE MASTER: Unless, of course, you  
2 receive the check and that is what I am  
3 not clear on.

4 MR. MITCHELL: Well, the check, of  
5 course, they were endorsed by her father-  
6 in-law.

7 THE MASTER: Not all of them.

8 THE WITNESS: No.

9 MR. MITCHELL: I established those  
10 yesterday, Judge, as I recall, which were  
11 and which were not.

12 THE WITNESS: I am seeing this one on  
13 page 533 of 12-73, and in August the 6th of  
14 73 and all of those, those are endorsed by  
15 me on page 533.

16 MR. MITCHELL: She testified to that  
17 yesterday, that is right.

18 THE WITNESS: All that was cash, that  
19 he -- I mean given to him.

20 MS. LEVATINO: I believe, Mr. Mitchell,  
21 to her was the checks that she endorsed, did  
22 she receive any of those in payment of Judge  
23 Carrillo's grocery account.

24 MR. MITCHELL: Now, there would be no  
25 objection to that.

1 Q Would you answer the question?

2 A Well, no, it was cash given to him, that is my  
3 answer.

4 Q Okay. To your knowledge of the checks which are  
5 not endorsed by you, but are endorsed by your --  
6 Abel Yzaguirre, did you recall seeing or taking  
7 any of those checks and applying them or looking  
8 at them and by virtue of those checks cancelling  
9 out Judge Carrillo's grocery account?

10 MR. MITCHELL: Best evidence, specula-  
11 tion, guess, conjecture and hearsay.

12 THE MASTER: Overruled.

13 MR. MITCHELL: Note our exception.

14 A Not this one, they were not applied to his account.

15 MS. LEVATINO: I pass the witness.

16

17

18

19

RE-EXAMINATION

20

BY MR. MITCHELL:

21

22 Q Mrs. Yzaguirre, as a matter of curiosity, I  
23 notice in that Exhibit you are examining on page 53B  
24 you endorsed it as Mrs. Lauro Yzaguirre.

25 A Yes.

1 Q You testified on page 403, you testified --

2 THE MASTER: What Exhibit?

3 MR. MITCHELL: Of Exhibit 55, Your

4 Honor.

5 THE MASTER: You didn't say that.

6 MR. MITCHELL: I am sorry, Judge.

7 Q That is the one that Counsel asked you about in  
8 the very beginning, if you recall, on 403 in H-1-(22).

9 A Yes.

10 Q Remember, she asked you about -- when Counsel  
11 asked you about H-1-(22) being dated July 24th,  
12 1972?

13 A Yes, sir.

14 Q And you stated that -- that is in your handwrit-  
15 ing?

16 A Yes, sir.

17 Q Now, then I believe you also testified that the  
18 one on page 351 of the same Exhibit H-1-(1).

19 A On 351?

20 Q Yes.

21 A Yes.

22 Q Was also in your handwriting?

23 A That's right.

24 Q Although by looking at the Exhibits, they both  
25 are signed Abel Yzaguirre?

1 A Yes.

2 Q All right, now, of course, your testimony under  
3 oath is that the Abel Yzaguirre, Cash Store  
4 Yzaguirre in H-1-(22) is the same handwriting  
5 as the Abel Yzaguirre is on page 351 in H-1-(1).

6 A 351 and what other page?

7 Q On 403, Mrs. Yzaguirre.

8 A Yes.

9 Q Now, to be sure, anyone examining this, in exam-  
10 ining this record, so we understand each other,  
11 I am going to --

12 MR. MITCHELL: May I approach the wit-  
13 ness, Judge Meyers?

14 THE MASTER: Yes.

15 Q In H-1-(22), on page 403?

16 A Yes.

17 Q Is that your handwriting?

18 A Yes.

19 Q And your testimony is, and I am turning back to  
20 now --

21 THE MASTER: Now, they are all H-1-(22).

22 MR. MITCHELL: The one that is --

23 THE MASTER: You are speaking of the --

24 MR. MITCHELL: Let me ask, Judge, I

25 think it is appropriate, Judge Meyers.



1 Q In line with the Court's observations, are we  
2 talking about the sales slip marked 23, Mrs.  
3 Yzaguirre, and 24, are those in your handwriting?

4 A Yes.

5 Q All right. On page 403?

6 A Yes.

7 THE MASTER: 23?

8 MR. MITCHELL: The little sales slips.

9 THE MASTER: On the slip itself?

10 MR. MITCHELL: Yes, sir, on the slip  
11 itself, Judge Meyers.

12 THE MASTER: Yes, sir.

13 MR. MITCHELL: Back in the lower left-  
14 hand corner.

15 THE MASTER: I'm just working on the  
16 record. Mr. Mitchell.

17 MR. MITCHELL: Yes, I appreciate it.  
18 I understand that, Your Honor.

19 THE MASTER: Yes.

20 Q Now, turn back with me to page 351 and you are  
21 telling the -- now, we are looking at the sales  
22 slip at the bottom dated June the 22nd, 1970, are  
23 we not?

24 A Yes.

25 MR. MITCHELL: And that sales slip,

1 Judge Meyers, is 3.

2 Q Is it not, Mrs. Yzaguirre, on the sales slip  
3 itself?

4 A Yes.

5 Q And you're telling us in the record that that  
6 Abel Yzaguirre is also in your handwriting?

7 A Yes.

8 Q All right, then I'm going to ask you a curious  
9 question of why, when you started endorsing --  
10 now, I'm going to move to another Exhibit.

11 Now, I'm looking at page 547 of Exhibit 47,  
12 Mrs. Yzaguirre.

13 THE MASTER: R-47.

14 MR. MITCHELL: R-47, thank you, Judge  
15 Meyers.

16 A R-47?

17 Q That's right, and looking at page 547 -- no, I've  
18 got the wrong page, page 553. There, you have  
19 testified that that is, indeed, your signature?

20 A Both are.

21 Q On those checks?

22 A Appearing on 553 of R-47?

23 Q That's right.

24

25

1 Q Now, -- and they are dated July, 1973?

2 A Yes.

3 Q Correct?

4 A Yes.

5 Q Why would you adopt the method of writing Abel  
6 Yzaguirre across those and yet when you endorsed  
7 the check you would use your own name, is there  
8 some reason?

9 A Yes.

10 Q Why?

11 A Because I had a signature card at the bank. That  
12 is the only reason I had.

13 Q Where you signed or endorsed those checks Cash  
14 Store?

15 A Yes, because I had a signature card in the bank.

16 Q But you didn't prior to July, 1973?

17 A No, sir.

18 Q So that you could not control the account as far  
19 as withdrawing money from it at all?

20 A No, sir.

21 Q Now, let me ask you this. During the time you  
22 were there, and I believe we have gone over that,  
23 but during the time you were there, the store  
24 operated at a profit, did it not?

25 A Yes, it did.

1 Q And the store made a profit on these welfare  
2 sales, did it not, as far as you know?

3 A As far as I know.

4 Q And you didn't give any of the profit to anybody  
5 else, you all kept that money, didn't you?

6 A Sure.

7 MS. LEVATINO: I object to anything  
8 concerning her father-in-law, it would be  
9 hearsay.

10 THE MASTER: The question was what?

11 MR. MITCHELL: I think the question  
12 goes to whether or not the profit was shared  
13 by anyone else. I asked if she or her  
14 husband or father-in-law ever shared any  
15 profit with anybody else.

16 THE WITNESS: I said no, to my knowledge.

17 THE MASTER: Objection is overruled.

18 Q (By Mr. Mitchell:) Now, Mrs. Yzaguirre, at the  
19 time these sales were made, was there any question  
20 in your mind, and I am talking about the welfare  
21 sales, that there was anything incorrect or illegal  
22 about the welfare sales?

23 A Not that I know of.

24 Q If there were, you would not have taken any profit  
25 from the sales?

1 A Of course not.

2 Q And you don't know even today that there was anything  
3 improper or incorrect about those sales?

4 A I don't understand.

5 Q To this day, you don't know anything improper  
6 about the sales made to this date on the welfare  
7 sales?

8 A Now I know.

9 Q What is that?

10 A That we were not supposed to do this.

11 Q When did you find out?

12 A When I went to Austin.

13 Q Did you make an effort to return the moneys --  
14 first of all, if the sales were incorrect, and  
15 you say you found out about that in Austin --  
16 well, who told you it was not correct?

17 A I was asked over there if the county judge or  
18 the county attorney questioned me and I said no.

19 Q So that was evidence to you the sales were  
20 incorrect?

21 A Yes.

22 Q The county judge, up until last year, was Archer  
23 Parr?

24 A Yes.

25 Q And there were four commissioners in Duval

1 County?

2 A Yes.

3 Q And you had to know at least one of those four?

4 A Yes.

5 C And you are not telling this court that is the  
6 only county welfare orders that were obeyed?

7 A No.

8 Q Now, let me ask you this. After you found out  
9 there might have been something wrong, did you  
10 make an effort to return the money received from  
11 these sales you said were illegal? Have you made  
12 any efforts to return any profit from those sales?

13 A Why should I return it? That food was not paid  
14 by the county, we paid for it.

15 Q But you made a profit?

16 A So what?

17 Q Well, you did make a profit, you don't operate  
18 a charitable store?

19 A I hope not.

20 Q You didn't intend that you lose money?

21 A That is right.

22 Q Has any agreement been made with you, that you  
23 know of, about returning money for the profit on  
24 these sales?

25 A No.

1 Q Let me ask you this. You have speculated or  
2 answered that a lot of these checks Judge Carrillo  
3 presented in your store were for cash?

4 A Correct.

5 Q Although looking at them, you can't tell whether  
6 it was cash or payment for food?

7 A Well, I could.

8 Q Well, there is nothing on the checks to indicate  
9 that?

10 A That is right. Like I explained, it was common.

11 Q And, of course, you said --

12 A I said again that now my policies have changed.

13 Q Your testimony was that the only bank was in  
14 San Diego or the closest bank?

15 A Well, I said San Diego or Alice or Hebbronville.

16 Q Judge Carrillo, for the time from 1974 or '73 or  
17 '73 was Judge of the 229th Judicial District  
18 Court and I believe he was elected in 1969 originally?

19 A I don't know.

20 Q Well, the record reflects that. He was in San  
21 Diego at least one week out of the month?

22 A I don't know.

23 Q If he wanted to cash checks, would it have been  
24 simple for him to do that in San Diego?

25 A The thing was that the banks close at 3 o'clock and

1           when he was over there, it was 5 or 6 and the  
2           banks were closed.

3           Q   So, your answer would be it would appear those  
4           checks were cashed after banking hours?

5           A   Yes, and the banks were closed.

6           Q   Tete and Rosa Chapa have lived there how long?

7           A   I don't know, I don't keep up with people.

8           Q   How long was it when they left that community, how  
9           long ago?

10          A   I don't know. The Judge would probably know, but  
11          I don't know.

12          Q   And I believe your testimony was on direct  
13          examination they had never bought groceries with  
14          welfare?

15          A   To my knowledge, that is what I said.

16          Q   Tete, of course, is Rudolfo Chapa?

17          A   Yes.

18          Q   And Tete is a nickname?

19          A   Yes.

20          Q   And there are several T. Chapa's in the area that  
21          you know about?

22          A   Yes, I know one that died.

23          Q   Tomas Chapa, is that the one?

24          A   Yes.

25          Q   There are several T. Chapa's, aren't there, in that



1 area?

2 A Probably, I don't know. I knew one, but probably  
3 there was some more.

4 Q There was no agreement at that time or at any time  
5 between you and Judge Carrillo to split the profit  
6 on these welfare sales?

7 A No, sir.

8 Q And nothing you have testified to occurred after  
9 January 1st, 1975, is that correct, or during the  
10 year '75?

11 A That is that I can tell. Like I said, the bank  
12 stopped payment in March or April of 1975, so that  
13 was when it ended.

14 Q Well, I will ask you to look with me at 47 and 55.

15 THE MASTER: Mr. Mitchell --

16 MR. MITCHELL: Yes?

17 THE MASTER: Say for the record R-47 and  
18 E-55.

19 Q Yes, that is E-55 or R-47.

20 I believe I have gone over this before, but --  
21 well, none of those are dated after December, 1974,  
22 is that correct?

23 A E-55 -- what?

24 Q At page 351.

25 A Yes.

1 Q Well, at any rate, none of the documentation,  
2 none of the sales occurred after January 1st, 1975?

3 A No.

4 Q One other matter of curiosity --

5 MR. MITCHELL: May I have that marked?

6 (The above-mentioned document was  
7 marked Respondent's Exhibit 48 for  
8 identification.)  
9

10 Q I hand you a rough sketch, R-48, which shows your  
11 home, the trailer house Ruben Chapa has, is that  
12 correct?

13 A No.

14 Q And his service station on the corner?

15 A You are missing something.

16 Q What is that?

17 A My daughter's trailer.

18 Q That is between your house and Chapa's?

19 A Yes.

20 Q And we have the old service station over here?

21 A Yes.

22 Q And the Cash Store is next to the service station  
23 on the main street?

24 A Yes.

25 Q How can you see anybody coming to the store, in the

1 front of the store from your house?

2 A I sat at my house yesterday. I sat yesterday and  
3 looked from my window to see if I could.

4 Q To see if you could really do it?

5 A You better believe it, I did.

6 Q I knew it.

7 A Yes, I was drinking coffee and I could see people  
8 coming in.

9 MR. MITCHELL: We offer this for  
10 whatever probative value it is.

11 THE MASTER: It is admitted, but I don't  
12 think for much.

13 (Respondent's Exhibit 48 admitted into  
14 evidence.)  
15

16 Q At any rate, after you had testified yesterday  
17 quite at length on direct examination as to matters  
18 you had personal knowledge of, and after it was  
19 pointed out in the record that you were not there  
20 from August, 1970, through June or July, 1972,  
21 and after you testified as to certain tapes in the  
22 record that you had personal knowledge of them and  
23 you made the statement to this court you could see  
24 them from your house and you had to find out whether  
25 you could, so you could back up what you were

1 saying?

2 A I found something that I could back up this, too,  
3 on the date.

4 Q You knew it was correct, so you went to determine  
5 that?

6 A Yes, I knew it was correct and I had to look for  
7 facts, too

8 MR. MITCHELL: I have no further  
9 questions of this witness.

10

11

12

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

13

BY MS. LEVATINO:

14

15 Q Mrs. Yzaguirre, I have one further question.  
16 To your knowledge, the checks which you received  
17 from the county in payment of welfare groceries,  
18 were these checks ever received for groceries  
19 for which your store did not actually give them  
20 to somebody or sell them to someone?

21 A Like I said, we gave them to the 305 recipients.  
22 The rest applied to those accounts.

23 Q So, the eight hundred dollars that you received in  
24 these checks, did you sell seven hundred or eight  
25 hundred dollars worth of groceries each month?

1 A Yes, ma'am.

2 MS. LEVATINO: No further questions.

3 MR. MITCHELL: No further questions.

4 THE MASTER: Is Mrs. Yzaguirre free to  
5 go?

6 MR. MITCHELL: Yes, she is, Judge.

7 THE MASTER: You are free to go.

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1 MR. MITCHELL: Who is your next wit-  
2 ness?

3 MS. LEVATINO: Rudolfo Chapa.  
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6  
7 RUDOLFO CHAPA,  
8 having been first duly sworn, testified upon his  
9 oath as follows:  
10

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

12 BY MS. LEVATINO:  
13

14 Q What is your name?

15 A Rudolfo Chapa.

16 Q Do you have a nickname.

17 A Yes, ma'am.

18 Q What is it?

19 A Tete.

20 Q Pardon me?

21 A Tete Chapa, T-E-T-E.

22 Q Do your friends and family in Benavides generally  
23 call you Tete or Rudolfo?

24 A Tete.

25 Q May I call you Tete?

1 A Okay.

2 Q Where do you live, Tete?

3 A In Benavides.

4 Q How long have you lived in Benavides?

5 A Thirty-six years.

6 Q Have you lived there continually?

7 A No, I lived in Cotulla for three years.

8 Q When did you move to Cotulla?

9 A In 1970.

10 Q Do you recall in what month in 1970?

11 A In February.

12 Q In February of 1970?

13 A Yes, ma'am.

14 Q When did you return to Benavides?

15 A On December the 27th, 1973.

16 Q And have you lived in Benavides continually since  
17 that time?

18 A Yes, ma'am.

19 Q Are you employed?

20 A Yes, ma'am.

21 Q Where do you work?

22 A For the Duval County Reclamation and Conservation.

23 Q How long have you worked for that district?

24 A Almost two years, about eighteen or nineteen  
25 months.

1 Q What is your salary?

2 A Five hundred dollars a month.

3 Q Where do you buy groceries for your own personal  
4 use?

5 A Well, I usually buy my groceries in Alice and  
6 in Benavides.

7 Q Where do you buy them in Benavides?

8 A In the Cash Store.

9 Q How do you pay for those groceries?

10 A I pay by the month.

11 Q Have you ever received groceries for your per-  
12 sonal use from the Cash Store which were paid  
13 for by the county?

14 A Yes, ma'am.

15 Q When was this?

16 A In 1967.

17 Q How many times did you receive those groceries?

18 A About three or four times.

19 Q How many times since 1967 to the present have  
20 you received groceries from the Cash Store for  
21 your personal use paid for --

22 A None.

23 Q Excuse me, Tete. let me finish the question before  
24 you answer.

25 A All right, I'm sorry.



1 MR. MITCHELL: Pardon, Mrs. Levatino,  
2 I wanted to object only on your -- the  
3 formal objections that have previously been  
4 made to all of the testimony going beyond  
5 the scope of the amended formal notice of  
6 hearing and on the grounds previously assigned  
7 Judge, prior to the present term, prior to  
8 the formal notice of hearing and the others  
9 as stated at the outset of the proceedings.

10 THE MASTER: All right, sir.

11 MR. MITCHELL: I am sorry to interrupt  
12 you.

13 Q Let me repeat that question for you: How many  
14 times since 1967 have you received groceries from  
15 the Cash Store for your personal use that were paid  
16 for by the county?

17 A Only in 1967.

18 Q I would like you to pick up Examiner's Exhibit 55,  
19 E-55, sitting in front of you, and turn to page 438,  
20 please.

21 A Page 438?

22 Q Yes.

23 A All right.

24 Q There is a claim form on that page dated 11-11-74,  
25 on it appears the name T. Chapa with a forty dollar

1 figure after it. Do you see that?

2 A Yes, ma'am.

3 MR. MITCHELL: Your Honor, we're going  
4 to object to any evidence to show that the  
5 T. Chapa appearing on that Exhibit is  
6 Rudolfo Chapa, the witness, based on the  
7 fact that that Exhibit -- based on the  
8 recital in that Exhibit as being hearsay,  
9 that is specifically, Judge, taking the  
10 T. recital or the statement on H-1-(38)  
11 Cash Store Lauro Yzaguirre and the name of  
12 T. Chapa, forty dollars, as being the truth  
13 of the matter as asserted therein, and as  
14 being th's same witness.

15 THE MASTER: Well, there is --

16 MR. MITCHELL: Any attempt to show --

17 THE MASTER: The hearsay objection is  
18 overruled, but Mrs. Levatino, of course,  
19 there is an obvious identification problem.

20 MS. LEVATINO: I intend to lead into  
21 that.

22 THE MASTER: All right.

23 Q (By Ms. Levatino:) Tete, do you know any other  
24 T. Chapas in Benavides?

25 A No, ma'am.

1 Q Do you know any Tete Chapa or T. Chapas that used  
2 to live in Benavides?

3 A Well, not by T, but Tomas Chapa and my brother  
4 has got a nickname Tutu Chapa.

5 Q Where is Tomas Chapa now?

6 A He has been dead for many years, for ten or  
7 twelve or more years than that. I don't know.

8 Q Where is Tutu Chapa now?

9 A He lives in Corpus.

10 Q How long has he lived in Corpus?

11 A About ten years or eight years.

12 Q To your knowledge is there any other -- are there  
13 any other people in Duval County or Benavides  
14 that would have a name beginning with a T and  
15 the last name being Chapa?

16 A Not to my knowledge, that I know.

17 Q Okay.

18 MR. MITCHELL: And if that is offered  
19 to prove the ultimate issue that there is,  
20 in fact, not one, we would still object  
21 from the grounds it would be hearsay. Judge,  
22 not, of course, insofar as it is to prove  
23 his personal knowledge.

24 THE MASTER: Objection overruled.

25 Q Tete, in 1974, did you receive any groceries from

1 the Cash Store for your personal use which were  
2 paid for by county funds or funds other than your  
3 own?

4 A No, ma'am.

5 Q In 1973, did you receive any groceries paid for --  
6 from the Cash Store paid for by funds other than  
7 your own?

8 A No, ma'am.

9 Q Have you, since 1967, have you ever picked up gro-  
10 ceries at the Cash Store for persons other than  
11 yourself or for your own family use?

12 A Yes, ma'am.

13 Q Who did you pick them up for?

14 A Well, I used to pick up some food for O. P.  
15 Carrillo, some groceries. I used to work with  
16 him. I used to go to the ranch with him and  
17 used to go pick up some groceries for him.

18 Q Can you tell me in what years that occurred?

19 A Well, I used to work for him. I have been work-  
20 ing -- started working for him since, I would  
21 say, about 1960, and then I started working for  
22 the county and I quit the county and then I went  
23 to Cotulla and whenever I went over to Benavides  
24 I used to go with him to the ranch and pick up  
25 some groceries with him.

1 Q The time period which you are in Cotulla would be  
2 in 19 --

3 A From 1970 to 1973.

4 Q To 1973?

5 A Yes.

6 Q Did you pay for the groceries you picked up for  
7 Judge Carrillo?

8 A No, ma'am.

9 Q Where did you take the groceries once you picked  
10 them up?

11 A We used to go to O. P.'s ranch. Well, he has  
12 got several ranches, we used to go to different  
13 ranches.

14 Q Did you ever take any of the groceries home for  
15 your own family?

16 A No, ma'am.

17 MR. MITCHELL: Now, we're talking about  
18 prior to -- in 1967.

19 Your Honor, I didn't -- I'm sorry,  
20 Judge, I didn't mean that as a comment, I  
21 would like to object from the grounds that  
22 the time --

23 THE MASTER: I'm not sure I know the  
24 time reference.

25 MS. LEVATINO: I believe, Your Honor,

1 he has testified he would pick up these for  
2 the period from 1970 to 1973.

3 THE MASTER: Is that the time period  
4 you are speaking of, Mr. Chaps?

5 THE WITNESS: Yes, sir.

6 MR. MITCHELL: And he lived in Cotulla?

7 MS. LEVATINO: When he would come  
8 back on weekends.

9 MR. MITCHELL: Oh, okay.

10 Q Just to clear up the record, did you pick up gro-  
11 ceries for Judge Carrillo prior to 1970?

12 A Well, maybe I did, because I used to come real  
13 often, every two or three weekends and I used to  
14 go look for O. P. and I used to go with him to  
15 the ranch.

16 Q At any time from 1960 through 1973, to the present,  
17 did you ever take any of the groceries which you  
18 picked up at the Cash Store for Judge Carrillo to  
19 your home?

20 A No, ma'am.

21 Q For your use?

22 A No, ma'am.

23 Q Has Judge Carrillo himself ever given you, actually  
24 handed you groceries for your own use?

25 A No.

1 Q Has any other person actually given you or handed  
2 you groceries for your own use, saying that  
3 Judge Carrillo wanted you to have these?

4 A No, ma'am.

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

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

11 BY MR. MITCHELL:

12 Q Mr. Chapa, I believe I have previously examined  
13 you in Austin, have I not?

14 A Yes, sir.

15 Q And I believe your testimony there, as it is  
16 here, is that you have been for a long period of  
17 time a friend of Judge Carrillo's, you and your  
18 family?

19 A Yes, sir.

20 Q He has on many occasions helped you, you and  
21 your family, and you have, I believe, on many  
22 occasions helped and assisted him.

23 A Yes, sir, he helped me once in 1967.

24 Q And I believe that was an occasion when you and  
25 your wife had your youngster and he helped you

1 at that time?

2 A The county paid for it.

3 Q Yes, sir, and I believe you worked for him, did  
4 you not, prior to the time that you moved to  
5 Cotulla?

6 A I wasn't working with him then, I was working for  
7 the county.

8 Q Well, in working with him or --

9 A With Ramiro, I was working for the commissioner.

10 Q Well, at the time you would go by and pick up  
11 groceries for his personal account and take them  
12 to the ranch, was that just a social event?

13 A Just to get around with him and pick up groceries  
14 and go with him to the ranch. There was nothing  
15 else to do.

16 Q And there was nothing wrong with picking up gro-  
17 ceries that you knew of at the Cash Store and taking  
18 them to the ranch, was there?

19 A Well, he was with me. We used to pick up the  
20 groceries and go get some beer, and we met and  
21 we would go barbeque at the ranch.

22 Q And those groceries were charged on the spot or  
23 paid on the spot to his personal account or paid  
24 by him?

25 A We used to sign a slip or ticket and put O. P.



1 Carrillo by Tete and that was it.

2 Q And as far as you knew, he paid for those?

3 A I don't know.

4 Q Well, I say as far as you know.

5 A Well, I didn't know whenever he went to pick up  
6 the tickets and pay for them or not.

7 Q All right, you are, I believe, the brother of  
8 Ruben Chapa?

9 A Yes, sir.

10 Q And I believe you also went to work for the  
11 water district about the same time that Ruben  
12 went to work for it, am I correct?

13 A Yes, sir.

14 Q <sup>A</sup>nd, in fact, I believe Oscar Sanchez also went  
15 to work about the same time?

16 A Yes, sir.

17 Q And I believe Oscar has been previously a witness  
18 here, and a witness up in Austin and your brother  
19 has been a witness here and in Austin and you  
20 have been a witness here and up in Austin, am  
21 I correct?

22 A Yes, sir.

23 Q And Oscar Sanchez, I believe, is related to you  
24 by being, I believe, married to your sister?

25 A Yes, sir.

1 Q Now, who did you see to get -- incidentally, how  
2 is Vicente Chapa related to you?

3 A He is my brother.

4 Q And he also, I believe, went to work about the  
5 same time, isn't that correct?

6 A Yes, sir.

7 Q And I believe your brother, Ruben Chapa, ran for  
8 the school board as a Parr candidate and won that  
9 race, did he not?

10 A Yes, sir.

11 Q And that was sometime last year, am I correct?

12 A Yes, sir.

13 Q And that actually you, your brother, your brothers,  
14 your brother-in-law and Francisco Ruiz are of a  
15 like political persuasion there in the county,  
16 are you not?

17 A Not political. We just work for the county  
18 conservation and reclamation.

19 Q You all went to work within about a period of  
20 thirty or sixty days, didn't you?

21 A I don't remember.

22 Q Did you contact Archer Parr for your job?

23 A No, sir.

24 Q How did you get your job?

25 A I went to the board and asked for the job. I

1 was working with my brother in the filling station.

2 Q And that was the board, I believe, that Archer  
3 Parr --

4 A I don't know who put that board.

5 Q Well, was D. C. Chapa on the board?

6 A No, sir, I don't know who was on the board.

7 Q Well, the board had been actually put on -- the  
8 members of the board that you applied to were  
9 the Parr people that had been put on there by  
10 Archer Parr after D. C. Chapa and that group had  
11 been removed, isn't that correct?

12 A Well, I don't know who put the board.

13 Q All right.

14 A All I wanted, I just wanted a job and I went and  
15 talked to the board to give me a job.

16 O All right.

17 A And they hired me as a bulldozer operator.

18 Q Was Gabe Ramon on the board at the time you went  
19 to them?

20 A I don't remember, sir.

21 Q All right.

22 A And I used to work with O. P., too, and everything.

23 Q Yes, the truth of the matter is up until the first  
24 part of last year, O. P. and -- or the Carrillos  
25 and the Parr faction were one and the same?

1 A Let me ask you a question.

2 Q And they split at that time, isn't that correct?

3 A Why are you asking me if I work with the Parrs  
4 or Gabe Ramon, whatever it is, I am doing my job  
5 and I am getting paid for it, right?

6 Q What do you do for five hundred dollars?

7 A I do everything. I am a mechanic. I work on  
8 the shovel, backhoe, tractors bulldozers, any-  
9 thing.

10 Q What were you making prior to the time you went  
11 to work for the water district, Mr. Chapa?

12 A What was I doing?

13 Q What were you getting paid?

14 A At my brothers, a hundred and fifty.

15 Q And where were you working?

16 A In the filling station, I just told you a while  
17 ago.

18 Q And that is the Texaco station?

19 A Texaco.

20 Q All right.

21 A And I'll tell you -- let me tell you something,  
22 I left Benavides now where I was working with  
23 his brother and he was working me overtime and  
24 in Duval County cutting grain and everything and  
25 I wasn't even getting paid for it. That is how

1           come I left Benavides to go to Cotulla.

2                   I left there and when I left, they took my  
3           check away, they didn't give me a penny for it.

4           Q   And that, of course, has made you -- has upset  
5           you?

6           A   Of course, I left for Cotulla with my wife and  
7           kids and nothing to eat.

8           Q   And you are blaming Mr. Carrillo for that?

9           A   Ramiro.

10          Q   His brother?

11          A   Would you like to work without getting paid from  
12          eight o'clock in the morning until three or four  
13          o'clock at night without getting paid, just a  
14          county salary?

15          Q   And as I say, that has upset you and --

16          A   Of course, I don't have nothing against him.

17          Q   I can tell that, of course, from your testimony.

18          A   You said if I am angry at him and everything and  
19          we have a party against the Carrillos. I have  
20          never said anything and I shook hands with him  
21          anywhere and I wave at him anywhere I see him,  
22          you can ask him, his brothers and everything. I  
23          ain't got nothing against him.

24          Q   You wouldn't vote for him, though?

25          A   Of coursenot, they didn't vote for my brother when

1 he run for the school.

2 Q As a matter of fact --

3 A Well, all right.

4 Q Your brother won that election, didn't he?

5 A Yes, sir.

6 Q And since that time there has been a considerable  
7 amount of discord between you -- your family and  
8 the Carrillo family?

9 A No, sir, never, they just -- they just moved us  
10 out all of a sudden. We didn't have nothing to  
11 do with them. He had credit in our station and  
12 he didn't stop any more. His nephews and every-  
13 body, his brother Ramiro.

14 Q You answered a question under oath that Counsel  
15 asked you about, about T. Chapa in Exhibit 54 on  
16 page 438. Would you turn to that please, sir,  
17 that is page 438.

18 A Yes, sir.

19 Q Of the Exhibit there, Mr. Chapa, and it is the  
20 lower righthand corner it says T. Chapa?

21 A Yes, sir.

22 Q The sales slip is numbered 17?

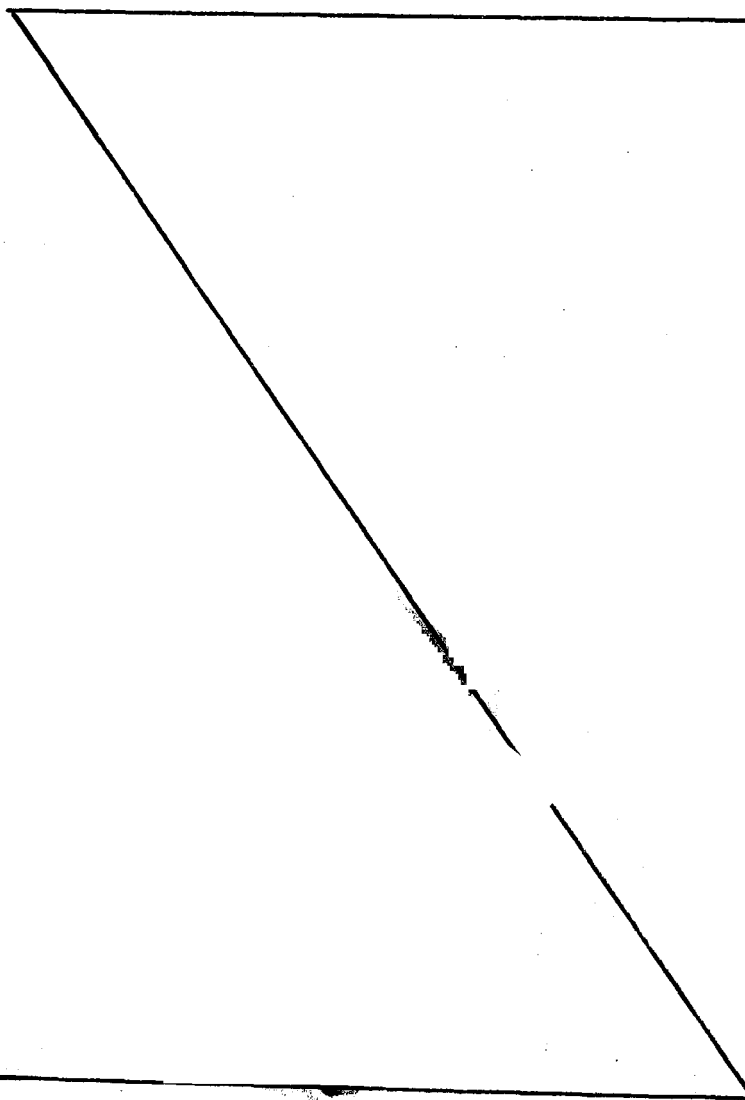
23 A Yes, sir.

24 Q Is that correct?

25 A Yes, sir.

1 MR. MITCHELL: I will wait just a  
2 minute until he leaves, Your Honor.

3  
4 (Discussion off the record.)  
5



1 Q Do you have that in front of you?

2 A Yes, sir.

3 Q And that slip is signed 11-11-74, is it not?

4 A Yes, sir.

5 Q By the Cash Store, Lauro Yzaguirre?

6 A Yes, sir.

7 Q You don't recognize the signature, do you?

8 A No, sir.

9 Q Lauro is a man, is it not?

10 A Yes, sir.

11 Q That is the husband of Mrs. Lauro Yzaguirre that  
12 has been in the hall and preceded you on the  
13 witness stand?

14 A Yes, sir.

15 Q And you don't know whether T. Chapa, your brother,  
16 was before Lauro Yzaguirre on 11-11-74, do you?

17 A Not that I know of.

18 Q If you will, turn to page 360 for me.

19 A Yes, there is my name there.

20 Q Now, I noticed on 360 of this same exhibit that  
21 back in the right-hand corner, Cash Store, a ticket  
22 signed by Abel, am I correct, 11-6-70?

23 A Yes.

24 Q There is a difference in the way that T. Chapa  
25 appears there and where it says Tete Chapa?



- 1 A It is my name.
- 2 Q Well, it is really not your name?
- 3 A It is my nickname. Nobody knows it in Benavides,  
4 everybody calls me Tete.
- 5 Q That is your nickname and Rudolfo is your real  
6 name?
- 7 A Yes.
- 8 Q There is a difference between the Tete Chapa and  
9 the T. Chapa that appears on 436?
- 10 A There is a difference, yes.
- 11 Q Have you ever bought any groceries on your own  
12 in the Cash Store?
- 13 A Yes.
- 14 Q Specifically, in 1974 have you bought groceries on  
15 your own?
- 16 A Let's see, '74, I must have -- I think I did.
- 17 Q To the best of your recollection, in 1973?  
18 A I don't remember.
- 19 Q How about '70, '71, '72 or '73?  
20 A No, sir, I was living in Cotulla then.
- 21 Q You testified earlier that from 1970 to '73 that you  
22 bought groceries on the account of Judge Carrillo?
- 23 A Well, if you will let me get through, I didn't  
24 buy any groceries for my own use. I bought them  
25 for Mr. Carrillo.

1 Q You testified under oath that you bought  
2 groceries from 1970 to 1973 for Judge Carrillo,  
3 even though you lived in Crystal City?

4 A No, not there, in Cotulla.

5 Q How far is Cotulla from Benavides?

6 A 92 miles.

7 Q Would these be occasions when you came to  
8 Benavides to work on the ranch for Judge Carrillo?

9 A Never. I came to visit my parents. They lived  
10 there.

11 Q Your testimony is that you came from Cotulla to  
12 Benavides and on those occasions you bought  
13 groceries for the Judge?

14 A I used to see my parents and I would go there to  
15 visit them and riding around town I would see O.P.  
16 and he said, what are you doing, do you want to  
17 go to the ranch with us, and let's get some beer  
18 and go barbecue, and I said I am ready.

19 Q When you lived at Cotulla in 1970 to 1973, that  
20 would be on the weekends when you would visit  
21 Benavides?

22 A Yes.

23 Q Would you have accompanied Judge Carrillo on any  
24 other days other than on the weekends?

25 A No.

1 Q And I suppose the Cash Store is closed on Sunday?

2 A It has been closed a year or so or less than a  
3 year.

4 Q Does it close on Sunday or Saturday or is it open  
5 all the time?

6 A It used to be open on Saturday and Sunday.

7 Q How frequently would you come back from 1970 to  
8 1973 and buy groceries on the weekend on the  
9 Judge's personal account?

10 A I don't remember.

11 Q Once a month?

12 A I don't remember. I remember I used to go with  
13 him to the ranch. These tickets here, I didn't  
14 get these groceries, either.

15 Q When you moved back to Benavides in 1973, did you  
16 have your job there with the water district or did  
17 you get that later on?

18 A I told you I was working with my brother at the  
19 Texaco.

20 Q Could you tell us whether or not you got your job  
21 in April, 1974, with the water district?

22 A About April.

23 Q So you worked with your brother about a year?

24 A Not a year.

25 Q Well, tell us how much?

1 A I worked for him for three months. I told you I  
2 went back in '73 and worked to April, 1974.

3 Q All right. Now, Francisco Ruiz works the same  
4 place, doesn't he?

5 A Yes.

6 Q Did you go to work about the same time as he did?

7 A I don't remember. It must have been about a week  
8 or two difference.

9 Q All right. Do you know Rudolfo Couling?

10 A Yes, sir.

11 Q Was he working in some connection with the water  
12 district or school board at the same time?

13 A I don't remember, I think it was the school board.

14 Q Did you talk to him about this job at all?

15 A No, sir, I don't have to ask anybody for a job.

16 If I need a job, I ask for a job. I don't have to  
17 tell you or anybody else I want to look for a job.

18 Q Do you think you would ever have gotten a job if  
19 you had been pro-Carrillo at that time?

20 A I went to look for a job to operate a bulldozer,  
21 so that is where they put me, and I used to clean  
22 it every day. That is where I went to look for  
23 that job. Ramiro, his brother, ran us away from  
24 there and he said that is my job, so we came back  
25 and we went to the shop as a mechanic and fixed

1 flats and worked with the crewmen. We went to the  
2 sewer plant and I made pits there.

3 Q You don't know from your own knowledge, for at least  
4 a period in 1973, whether there was a T. Chapa in  
5 that area, do you?

6 A Not that I know. I am Tete Chapa.

7 Q You are Tete Chapa and Rudolfo Chapa?

8 A Well, the other was Tomas Chapa and he has been  
9 dead for a long time.

10 Q How did Ramiro Carrillo refer to you as, Tete or  
11 Rudolfo?

12 A Tete.

13 Q Looking at page 360 of the exhibit 55, Mr. Chapa,  
14 the one that has your name as Tete Chapa, looking  
15 at H-1-(4), the name appearing there is Tete  
16 Chapa, is it not?

17 A Where is that, on what page?

18 Q Page 360, Exhibit E-55.

19 A Well, on 11-6-70, it says Tete Chapa, \$20.

20 Q And on the official form in the lower left-hand  
21 corner of that page, it appears to be Tete Chapa?

22 A Yes, sir.

23 Q Was your father employed as a welder by Judge  
24 Carrillo also to do the welding on the ranch?

25 A He was employed. He hired him to go do some work.

1 Q When was that?

2 A I don't remember. He had two or three others.

3 Q What was your father's name?

4 A C. B. Chapa.

5 MR. MITCHELL: I believe that is all.

6 I have no further questions.

7 THE MASTER: May Mr. Chapa be excused?

8 MS. LEVATINO: Yes, he may.

9 THE MASTER: Thank you, Mr. Chapa, you  
10 are free to go back to your home and job.

11 Call your next witness.

12 MS. LEVATINO: We will call Rosa Chapa.

13 - - - - -

14 ROSA CHAPA,

15  
16 having been duly sworn by the Court, testified  
17 as follows:

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

20 BY MS. LEVATINO:

21  
22 Q Would you state your name, please?

23 A Rosa Chapa.

24 Q Where do you live?

25 A Benavides.

1 Q How long have you lived there?

2 A 20 years.

3 Q Have you lived there continuously for 20 years?

4 A No, I moved there in 1970 from Benavides to Cotulla.

5 Q When did you return to Benavides?

6 A 1974.

7 Q 1974?

8 A Yes, ma'am.

9 Q Do you recall testifying before the Senate in  
10 Austin a month ago?

11 A Yes, ma'am.

12 Q Do you recall your testimony at that time as to when  
13 you moved?

14 MR. MITCHELL: We object to her trying  
15 to impeach her own witness.

16 THE MASTER: The objection is overruled.

17 MR. MITCHELL: Note our exception.

18 Q (By Ms. Levatino:) Do you recall your answer as  
19 of that time when I asked you when you returned  
20 to Benavides?

21 A 1974.

22 Q I would like to read from page 525 of the journal--

23 MR. MITCHELL: May we have a running  
24 objection to the attempt to impeach her  
25 own witness?

1 THE MASTER: Yes, sir.

2 Q When the question was asked to you, "When did you  
3 return to Benavides?" your answer was, "1973."

4 A Okay.

5 Q Are you married?

6 A Yes, ma'am.

7 Q Do you have children?

8 A Yes.

9 Q Who is your husband?

10 A Rudolfo, Tete, Chapa.

11 Q Where do you buy groceries for your personal use?

12 MR. MITCHELL: Could we have a time  
13 reference?

14 THE MASTER: You are entitled to it.

15 Q Since the time you have returned to Benavides,  
16 it is your testimony today it is 1974, where do you  
17 buy groceries for your own personal use?

18 A At the Cash Store.

19 Q During the time prior to your leaving Benavides,  
20 in other words, from up until 1970, where did you  
21 buy groceries?

22 A Well, we bought them at the Cash Store and all  
23 around Benavides.

24 Q How do you pay for your groceries now during the  
25 time from your return to Benavides to the present?



- 1 A I get groceries and we pay them each month.
- 2 Q During the time before you left Benavides, up until
- 3 now -- pardon me -- during the time you lived in
- 4 Benavides up until the time you left for Cotulla,
- 5 how did you buy your groceries?
- 6 A By the month.
- 7 Q Have you ever received groceries, either since
- 8 before you left or since you have returned for
- 9 your personal use that you have not paid for?
- 10 A In '67.
- 11 Q How many times in '67?
- 12 A Three or four times.
- 13 Q How many times other than the time in '67 have you
- 14 received groceries for your own personal use which
- 15 you have not paid for?
- 16 A It was in '67.
- 17 Q I am sorry?
- 18 A In '67, that is all I remember, maybe '69.
- 19 Q I refer you to E-55, which is in front of you.
- 20 Would you turn to page 393?
- 21 A All right.
- 22 Q Do you know any other Rosa Chapa that lives in
- 23 Benavides?
- 24 A No, ma'am.
- 25 Q Do you know of any Rosa Chapas that have lived in

1 Benavides from 1970 to the present?

2 A No, ma'am.

3 Q You were not in Benavides in 1971, is that correct?

4 A No, ma'am.

5 Q I would like to refer you to the sales slip dated  
6 12-16-71 on the exhibit in front of you, E-55,  
7 page 393.

8 MR. MITCHELL: We would object to any  
9 questions as regard that on the grounds of  
10 hearsay.

11 THE MASTER: It is overruled.

12 Q (By Ms. Levatino:) Does the same Rosa Chapa appear  
13 on that slip?

14 A Yes, ma'am.

15 Q Did you receive groceries on the 16th of December,  
16 1971?

17 A No, ma'am.

18 Q I will refer you to page 371 of the same exhibit.  
19 Look at the sales slip dated 12-3-70. Does the  
20 name Rosa Chapa appear there?

21 A Yes.

22 Q Did you receive groceries from the Cash Store  
23 which you did not pay for on 12-3-70?

24 A No.

25 Q I refer you to page 368 of the same exhibit to the

1 slip dated February 11, 1971 -- pardon me,  
2 January 15, 1971.

3 A Yes, that is my name.

4 Q The name Rosa Chapa appears there, did you receive  
5 groceries you did not pay for on the 15th of  
6 January, 1971?

7 A No, ma'am.

8 Q Had Judge Carrillo personally given you or handed  
9 you groceries for your own personal use?

10 A No, ma'am.

11 Q Has any other person given or handed to you  
12 groceries for your own personal use telling you  
13 they were from Judge Carrillo?

14 A No, ma'am.

15 MS. LEVATINO: Pass the witness.  
16  
17

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

19 BY MR. MITCHELL:  
20

21 Q You are the wife, I believe, are you not, of Mr.  
22 Rudolfo Chapa?

23 A Yes.

24 Q You previously testified in Austin in October,  
25 1975, did you not?

1 A Yes.

2 Q And I believe I questioned you up there as well  
3 as the same attorney for the examiner, is that  
4 correct?

5 A Yes.

6 Q Now, where are you from originally, are you from  
7 the Benavides area?

8 A No, sir.

9 Q Where are you from?

10 A Cotulla.

11 Q When did you and Rueda get married?

12 A In 1965.

13 Q And you lived in the Benavides area from '65 to  
14 '70, is that correct?

15 A Yes.

16 Q At which time you moved back to Cotulla?

17 A I moved back what time?

18 Q You and your husband moved back to Cotulla in  
19 1970?

20 A 1970?

21 Q Well, let's start over again. You and Mr. Chapa  
22 were married in 1965?

23 A Yes.

24 Q And you moved from Cotulla to Benavides to be  
25 with your husband in Benavides?

1 A No, we were living there. I got married in 1965  
2 and he was working over there.

3 Q You mean Cotulla?

4 A Yes.

5 Q Prior to 1965, he was living in Cotulla?

6 A Yes.

7 Q Tell us how long he had been in Cotulla prior  
8 to the time you all got married?

9 A I don't know.

10 Q When did you meet him?

11 A I met him in August, I think.

12 Q Of 19 what?

13 A '65. We got married in October.

14 Q He was in Cotulla at the time you met him?

15 A Yes, he was working there. I don't know how  
16 long he had been there.

17 Q You don't know how long he had been in Cotulla  
18 prior to August, 1965, but you do know he was  
19 working and you were married in October, 1965,  
20 in Cotulla?

21 A Yes.

22 Q How long did you continue living in Cotulla after  
23 October?

24 A I don't remember, maybe a year.

25 Q Is it fair to say that he moved back to Benavides

1           sometime the latter part of October, 1966, and you  
2           with him?

3           A   About that time, yes.

4           Q   All right.

5           A   Because in 1967, my daughter was born and we were  
6           living there.

7           Q   Where?

8           A   In Benavides. We had already moved back.

9           Q   I thought you testified earlier from 1965 to --  
10          you moved, then, from 1970 back to Cotulla?

11          A   Yes.

12          Q   And moved back to Benavides in '74, is that correct?

13          A   '73 or '74, I don't remember.

14          Q   Well, you testified here, I believe, you moved back  
15          in 1974, and you testified in Austin in 1973.

16                 Now, tell us, when did you move back? I mean,  
17          as a matter of fact, when did you move back, '74 or  
18          '73, and if so, tell us the month?

19          A   '73.

20          Q   What month?

21          A   It was December, I think it was December 24th when  
22          we moved back.

23          Q   Well, I had written down here that you stated on  
24          two different occasions in 1974 and now you say  
25          December, 1973?

1 A Yes, December, 1973.

2 Q Can you now refresh your recollection and tell us  
3 your best present recollection as to when you  
4 moved back?

5 A '73.

6 Q As a matter of fact, when, as a matter of fact,  
7 did you move back?

8 A '73, December 24th.

9 Q So Mr. Chapa was not in Benavides prior to  
10 August, 1965, at least for a period of time, am  
11 I correct?

12 A August, '65, no, we were not in Benavides.

13 Q And he was in Benavides through October, 1965?

14 A No, we got married in Benavides. We were living  
15 in Cotulla.

16 Q And two years later, approximately, you moved to  
17 Benavides in 1967?

18 A Yes, sir.

19 Q And returned to Cotulla about three years later?

20 A Yes, sir.

21 Q And then returned to Benavides at the end of 1973,  
22 correct?

23 A Yes.

24 Q Now, you are not from the Benavider area?

25 A No, sir.

1 Q And you, of course, are not telling this Court there  
2 are not any Rose Chapas from Benavides or the  
3 surrounding area?

4 A I don't know them.

5 Q There could be people in the Benavides area that  
6 are named Rose Chapa, but you are telling them  
7 you are not the Rose Chapa, as far as you know,  
8 in 1971, that received groceries from Abel  
9 Yzaguirre, is that correct?

10 A I am not that Rose Chapa. I don't know any there.

11 Q In 1971, you were not there, were you?

12 A No.

13 Q So there could have been a Rose Chapa -- would you  
14 turn to page 368, and that would be H-1-(6), the  
15 lower right-hand corner?

16 A Yes.

17  
18  
19  
20  
21  
22  
23  
24  
25



1 Q Are we looking at the name on number 2 -- the  
2 second name on that grocery slip, is that the  
3 name we're calling Rosa Chapa?

4 A Yes, that is Rosa Chapa.

5 Q Mine is illegible.

6 A I can't read it.

7 Q I can't either. I was just wondering, it appears  
8 to be R-A-U or R-O-E-W, but that is what we are  
9 referring to, the second name there, as Rosa  
10 Chapa, is that correct?

11 A Yes, sir.

12 Q All right, so that anyone looking at the record  
13 can, of course, make their own conclusion and  
14 then on 371, this is clearly a Rosa Chapa in 371  
15 that received groceries under the welfare order  
16 12-3-70, am I correct?

17 A Yes, sir.

18 Q And at that time, as I recall your testimony,  
19 you all had moved back to Cotulla?

20 A Yes, sir.

21 Q And there could have been a Rosa Chapa that  
22 lived in the area, in the Benavides area, an  
23 area from which you were not originally?

24 A Yes.

25 Q Or with whom you are not acquainted that could

1 have purchased those groceries or could have  
2 received those groceries under the welfar program  
3 of Duval County and you not know about it, am I  
4 right, Mrs. Chapa?

5 A I don't know.

6 Q Well, did you --

7 A I didn't know there was another Posa Chapa there.

8 Q Well, you're not saying that there couldn't have  
9 been, you just don't know of any, am I correct?

10 A That's right.

11 Q Well, you're not -- you're not -- do you know  
12 whether there is any Rosa Chapa from Alice, Texas?

13 A No.

14 Q It wouldn't be reasonable for you to, you're not  
15 from Alice, am I correct? You don't know whether  
16 there is any Rosa Chapa from San Diato, do you?

17 A No.

18 Q You are not expected to know, Mrs. Chapa, you're  
19 not from there.

20 A No, I'm not.

21 Q Isn't that correct?

22 A No.

23 Q Are there any Rosa Chapa's that live down at  
24 Cotulla?

25 A No.

1 Q Do you know any Rosa Chapa's that live at  
2 Cotulla?

3 A No.

4 Q All right, you're not saying you're the only  
5 person in the world whose name is Rosa Chapa, are  
6 you?

7 A I don't know.

8 Q Well, that is correct, you don't know, as a  
9 matter of fact.

10 There are really about three or four large  
11 Chapa families in the Benavides area, aren't there,  
12 Mrs. Chapa?

13 A Yes, sir.

14 Q And would you characterize those Chapa families  
15 as very large families, to your knowledge? If you  
16 don't know, just tell us.

17 A I don't know because --

18 Q Are there many Chapa's?

19 A There are lots of Chapa's.

20 Q Your husband's --

21 A But I don't know what Chapas belong to what family.

22 Q That's right, there is your husband's line of  
23 Chapa's, am I correct; Judge Carrillo's line of  
24 Chapa's and there are several other lines of Chapa's,  
25 are there not?

1 A Uh-huh.

2 Q And quite -- there might be a Rosa Chapa line of  
3 Chapa's that is not your line of Chapa's, am I  
4 correct?

5 A Not that I know.

6 Q All right, you, of course, have had a good rela-  
7 tionship with Judge Carrillo, have you not, Mrs.  
8 Chaps?

9 A Yes.

10 Q I believe he assisted you all on occasion as we  
11 previously -- as you have previously noted and  
12 testified, am I correct?

13 A That's right.

14 Q Baptised one of your babies?

15 A My first girl.

16 Q And assisted you, I believe, financially and  
17 otherwise for you youngsters after you got married  
18 and before you got married, am I correct?

19 A Well he -- the county paid for the delivery of  
20 the baby.

21 Q Well you know -- your husband mentioned that  
22 earlier and the event I was talking about is  
23 when your husband and you went to him while he  
24 was in the hospital in Laredo and at that time  
25 your second baby was about to be born and you

1           couldn't find a doctor to deliver it because you  
2           didn't have the money?

3       A   No, that is not true.

4       Q   The county didn't pay that one, did they?

5       A   We paid for it.

6       Q   As a matter of fact, Judge Carrillo advanced the  
7           money, didn't he?

8       A   No.

9       Q   And called the doctor?

10      A   No.

11      Q   All right, you deny that occurred all together?

12      A   He didn't.

13      Q   All right.

14      A   We didn't -- we couldn't get the doctor because  
15           the doctor that I was seeing couldn't do the  
16           operation because he didn't know how to get into  
17           there.

18      Q   I understand.

19      A   We had the money.

20      Q   You went to him for help and he got a doctor that  
21           did that?

22      A   No. Doctor Gonzalez sent me to Doctor Siguiroa.

23                           THE MASTER:   Doctor who?

24      A   Doctor Siguiroa, he is dead now.   And at that  
25           time Judge Carrillo was in the hospital in Laredo

1 and we went to see him and we told him about that  
2 and he said that was a good doctor. We went to  
3 see him.

4 Q And your testimony is he had nothing to do with  
5 getting Doctor Siguiroa to perform --

6 A No, because I didn't understand what you said  
7 at that first time but now I read it in the book  
8 what you said, but I wasn't --

9 Q All right.

10 A I wasn't because we didn't have the money.

11 Q Your testimony in Austin under oath was to the  
12 contrary, that is what you are saying? You have  
13 now read it in the book and you want to change  
14 the testimony?

15 A Because that is not true.

16 Q I understand.

17 A Because it said we didn't have any money.

18 Q But you have since had an opportunity to review  
19 your testimony given in Austin in October and on  
20 that score you disagree, that is not the truth,  
21 that is that he helped you financially and also  
22 designated a doctor at the time you had to have  
23 a caesarian operation to deliver the second  
24 child. That is not true, that never did happen?

25 A I had a caesarian, yes.

1 Q But Judge Carrillo never did help getting the  
2 doctor or seeing that there was -- that the  
3 doctor was paid?

4 A Well, I knew that I was going to go get the doctor,  
5 because Doctor Gonzalez told me to go to Doctor  
6 Siguiroa.

7 Q And you went over there, as a matter of fact, in  
8 the Judge's car, didn't you?

9 A In the Judge's car?

10 Q To the doctor's office.

11 A I don't remember.

12 MR. MITCHELL: No further questions.

13 MS. LEVATINO: No further questions.

14 THE MASTER: You may step down, Mrs.  
15 Chapa, and you are excused, thank you, very  
16 much.

17 I suspect we ought to take this time  
18 to take our regular ten o'clock break. It  
19 is a little early but five minutes wouldn't  
20 be very useful on any witness, would it?

21 MS. LEVATINO: That is right, Your  
22 Honor.

23 THE MASTER: We will recess until ten  
24 fifteen.

25 (Whereupon the hearing was in recess

1 from nine fifty-five a.m. until ten fifteen  
2 a.m.)  
3

4 - - - - -  
5

6 PATRICIO GARZA,  
7 called as a witness, having been first duly sworn,  
8 testified upon his oath through Mr. Tony Abarca,  
9 official court interpreter, Nueces County, Texas.  
10

11 - - - - -  
12

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

15 BY MS. LEVATINO:

16 Q What is your name?

17 A Patricio Garza.

18 Q Where do you live?

19 A Benavides.

20 Q How long have you lived in Benavides?

21 A I'm not exact on it, but about some thirty-five  
22 years.

23 Q Are you married?

24 A Yes, sir.

25 Q What is your wife's name?



1 A Rosa S. Garza.

2 Q Who do you work for?

3 A Right now with Judge Carrillo.

4 Q What do you do for Judge Carrillo?

5 A I work on the ranch.

6 Q What do you do on the ranch?

7 A Look after the cattle and mend fences.

8 Q What is the name of the ranch you work on?

9 A Borjas.

10 Q How long have you worked for Judge Carrillo on  
11 the ranch?

12 A Well, I'm not straight on it, about two years.

13 Q Where did you work before you worked for Judge  
14 Carrillo?

15 A With the county.

16 Q What did you do with the county?

17 A Fences and on roads and all of that.

18 Q Where do you buy food for yourself and your family  
19 in Benavides?

20 A At the grocery store in Benavides.

21 Q Is that Mrs. Yzaguirre's Cash Store?

22 A Yzaguirre, yes.

23 Q How do you pay for the food that you buy?

24 A By the month.

25 MS. LEVATINO: May I approach the

1 witness?

2 THE MASTER: Yes.

3 A Read it for me.

4 Q I'm showing you Examiner's Exhibit 59 which is  
5 a copy of some adding machine tapes. Do you  
6 remember seeing these tapes, the originals of  
7 these tapes in Austin, Texas, where you testified  
8 up there?

9 A I do not remember.

10 Q Okay, could you -- do you know what these tapes  
11 are used for?

12 A I don't not remember what they are for.

13 Q Do you recognize your signature on any of the  
14 pages in that Exhibit?

15 A Why not, but bring me the bills that these were  
16 on, the originals.

17 Q Did you -- would you look at the tape on the  
18 first page labeled H-3-(2).

19 MS. LEVATINO: Would you point that  
20 out to him, please.

21 MR. ABARCA: Yes, I will.

22 Q Does that look like your signature?

23 A I see this one and it is too small.

24 Q Mr. Garza, when you buy groceries at the Cash  
25 Store, when you buy food at Mrs. Yzaguirre's

1 store, do you sign for -- do you sign your name to  
2 a piece of paper?

3 A On the bill.

4 Q These are those groceries for yourself?

5 A Those are for the home.

6 Q Do you ever go to the -- Mrs. Yzaguirre's store  
7 and pick up groceries for someone other than  
8 yourself?

9 A Now, no.

10 Q Have you ever gone to Mrs. Yzaguirre's Cash  
11 Store and picked up groceries for Judge Carrillo?

12 A At first.

13 Q Okay, when you picked up groceries for Judge  
14 Carrillo, did you sign any papers?

15 A The ticket.

16 Q Is the ticket or were the tickets you signed like  
17 the ones I have just shown you only smaller?

18 A Well, I am going to tell you, they are smaller  
19 or they could be larger than this, I can't explain  
20 it to you.

21 Q Do they resemble the item, Examiner's Exhibit 59?

22 MR. ABARCA: You mean the original  
23 tapes?

24 MS. LEVATINO: Yes.

25 A We have to see the bills.

1 THE MASTER: Well, excuse me, is the  
2 problem that the copy he is being shown is  
3 reduced in size and that is why he wants to  
4 see the bills?

5 MR. MITCHELL: No. Your Honor, because  
6 he testified at the time the originals were  
7 introduced back in October the 7th of 75  
8 precisely the same thing when the originals  
9 were before him and that appears on page 512  
10 of the Senate records where he testified he  
11 did not sign the tickets.

12 THE MASTER: But, what I'm saying, he  
13 says these are smaller and I take it these  
14 are smaller than the originals.

15 MR. MITCHELL; Yes, but in answer to  
16 the Court's question, the originals were  
17 shown to him back in October, Judge, and he  
18 said he did not --

19 THE MASTER: I don't know about that.

20 MR. MITCHELL: It is consistent with  
21 what he said.

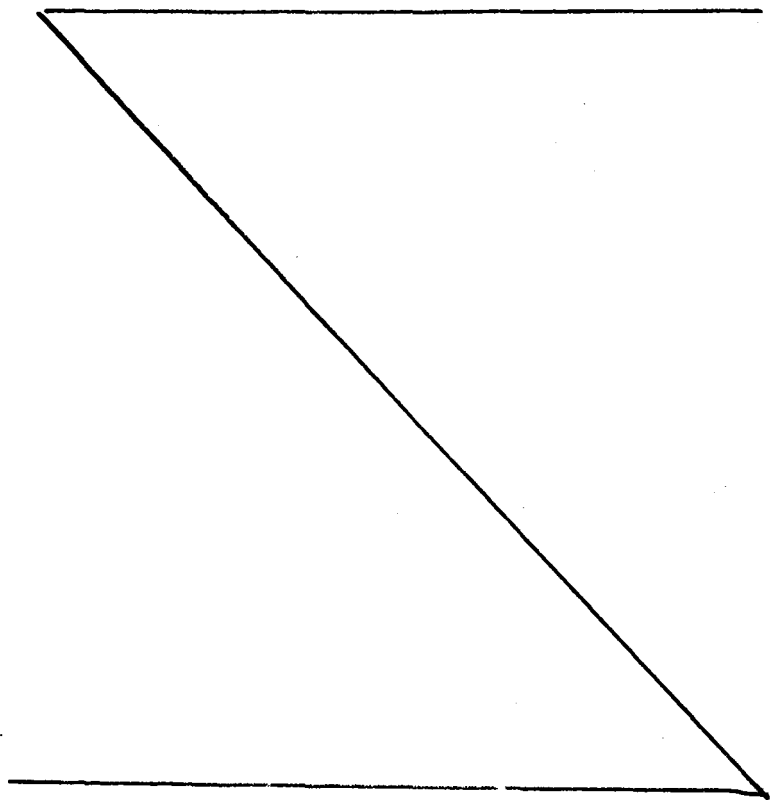
22 MS. LEVATINO: Counsel, that is a  
23 little misleading because he did testify  
24 also that he did sign those which you so  
25 stipulated.

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MR. MITCHELL: I am sorry, I didn't intend to mislead the Master. I am looking at the answer where it says did you buy groceries at the store and he said no on page 512.

THE MASTER: But he said today that he did.

MR. MITCHELL: I intended, of course, to cross-examine about that point.



1 Q Patricio, have you ever gotten groceries from the  
2 Cash Store which you did not pay for?

3 A I have always paid.

4 Q Is there another Patricio Garza that you know in  
5 Benavides?

6 A There is no other one.

7 Q Is there another Patricio Garza that you know in  
8 Duval County?

9 A I can't explain that to you.

10 Q Is there another Patricio Garza in Benavides?

11 A No, there was one named Gonzalez, but he is  
12 deceased.

13 Q Do people call you Pat in Benavides?

14 A Yes, sir.

15 Q Mr. Garza, when you picked up groceries for Judge  
16 Carrillo, could you tell us what years you picked  
17 them up?

18 A I cannot tell you, I cannot. Well, how do you  
19 say it -- I do not remember the date. I needed  
20 orders from him for me to take the groceries from  
21 the store to the ranch.

22 Q You took the groceries you picked up to the ranch,  
23 is this the Borjas ranch?

24 A It was for the Borjas ranch.

25 Q What did you do with the groceries when they got

1 to the Borjas ranch?

2 A Sometimes I would cook some food myself and some-  
3 times he would go there and he would cook.

4 Q Did you ever take any of these groceries that you  
5 picked up for Judge Carrillo to your house?

6 A Never.

7 MS. LEVATINO: Pass the witness.  
8  
9

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

11 BY MR. MITCHELL:  
12

13 Q How long have you known Judge Carrillo, Mr. Garza?

14 A Plenty of years.

15 Q Is he a single man?

16 A I think it is over 20 or 25 years.

17 Q Is he a single man or a married man?

18 A He is single.

19 Q And has been for all the time you have known him?

20 A Since I have known him, yes.

21 Q Does he live in the city of Benavides?

22 A Yes, he lives there.

23 Q Does he live there and has he during the time you  
24 have lived there with his parents in Benavides?

25 A Since I have known him, he has always been at home

1 with his father and mother.

2 Q When he comes to the Borjas ranch, when does he  
3 come?

4 A Saturday or Sunday.

5 Q And you have been working for Judge Carrillo on  
6 the ranch, I believe, since about 1973?

7 A No, '63 --

8 Q No, '73?

9 A Oh, yes, that is where the two years start.

10 Q And prior to that two years, Mr. Garza, you worked  
11 for the county?

12 A With the county.

13 Q Now, since you have been working for Judge  
14 Carrillo, Judge Carrillo has paid you for that  
15 work, of course?

16 A He has always paid me.

17 Q And when you were working for the county, of  
18 course, the county paid you?

19 A The county.

20 Q And during the time you have worked for the Judge,  
21 part of your duties were cooking for the Judge and  
22 for the ranch hands?

23 A Now, yes, when they were there, yes.

24 Q So that when you would buy groceries with Judge  
25 Carrillo, those groceries would be taken to the



1 ranch and be used by you and the ranch hands?

2 A It was for the ranch use.

3 Q And those groceries were paid for and charged to  
4 the Judge's account, as far as you know, Mr. Garza?

5 A He always paid for them.

6 Q All right. You have been asked about some tickets  
7 in the record and let me refer to them. That  
8 would be on Exhibit Number 50.

9 Mr. Garza, I ask this question not to embarrass  
10 you, but for the purpose of the record.

11 A Yes.

12 Q You are, of course, testifying through a translator?

13 A Yes.

14 Q Because you have difficulty understanding the  
15 English language?

16 A You see, I suppose I could speak it, but my  
17 English would run out just like my Spanish would  
18 run out.

19 Q How about your ability to write and read English?

20 A I can badly write my name.

21 Q Can you read and write otherwise?

22 A Nothing nothing.

23 Q Now, you were asked by Mrs. Levatino, the lady  
24 questioning you --

25 THE MASTER: Just a minute. Try your

1 best to leave out the descriptive words.

2 MR. MITCHELL: I did on this one, Judge,  
3 but I think I can back up and do it another  
4 way.

5 Q (By Mr. Mitchell:) Do you remember testifying  
6 in Austin when you were shown the originals of the  
7 slips on Exhibit 59?

8 A This is on yellow or white paper, as I remember.

9 Q That you did not sign any of those tickets?

10 A Those tickets, I did not sign any.

11 Q Your testimony is he. your duties on the Borjas  
12 ranch were in connection with taking care of the  
13 ranch and the cattle?

14 A That is all, only that.

15 Q And do you live on the ranch, Mr. Garza?

16 A I used to live there, but I do not now.

17 Q How about in the year 1974?

18 A I was there at the ranch.

19 Q And there are homes on the ranch at which you were  
20 living at?

21 A Yes, there are.

22 Q And would you have known if there was any grain  
23 being raised by Judge Carrillo in 1974?

24 A None.

25 Q You know that there was no grain raised on the

1 Judge's Borjas ranch in 1973 or 1974, as a matter  
2 of fact?

3 A No, I don't remember that.

4 Q And as a matter of fact, no grain, you know of, was  
5 raised on any of the Judge's ranches in 1973 or  
6 1974?

7 A No.

8 Q Now, I understand -- strike that.

9 During the time you worked for the county,  
10 you purchased groceries at the Cash Store and  
11 you paid those once a month?

12 A My own, yes.

13 Q And those that were bought for the Judge's account  
14 were charged for the Judge's account and paid for  
15 by the Judge, weren't they?

16 A I think he was paying for them, I think.

17 Q Now, after you went to work for Judge Carrillo  
18 full time, you continued to pay for your own  
19 groceries?

20 A Yes.

21 Q And as far as you know, those groceries bought  
22 for the ranch or for the Judge's use were paid for  
23 by the Judge?

24 A He should have paid for them, because they would  
25 not have given him any more credit at the grocery

1 store.

2 Q And as far as you know, they gave him credit, because  
3 he was paying for them?

4 A He was paying for them. I have known this, that if  
5 you do not pay for them this month, then the next  
6 month they won't give you any more credit.

7 Q Did you know, during the period of 1974 and 1973,  
8 that Judge Carrillo bought groceries at many other  
9 stores besides the Cash Store in Benavides?

10 A For him, yes.

11 Q And he bought from the stores in Alice, for  
12 example?

13 A He would buy in Alice and Hebbronville.

14 Q And how about in San Diego?

15 A I don't remember about San Diego.

16 Q How about Freer?

17 A Freer also, yes.

18 Q And you would be with him when he would make  
19 purchases of groceries in Alice, Freer or  
20 Hebbronville?

21 A Now that I am with him, yes.

22 Q And that would have been for the last -- about  
23 two years?

24 A That is for the last two years.

25 Q And do you remember having a conversation with

1 Judge Carrillo about why he was buying groceries  
2 in Alice and not at the Cash Store and that was  
3 because they were charging him too much money at  
4 the Cash Store, Mr. Garza?

5 MS. LEVATINO: Object to that, Your  
6 Honor, it is irrelevant and immaterial.

7 MR. MITCHELL: It is relevant if there  
8 is a locked-in deal, as has been alleged.  
9 The evidence is that he was buying elsewhere  
10 and we submit it is a declaration on his  
11 state of mind and certainly would be  
12 relevant if this witness knows.

13 THE MASTER: I don't see any allegation  
14 in one or elsewhere which alleges a  
15 conspiracy with the Cash Store, is that  
16 your understanding?

17 MR. MITCHELL: No, it is not.

18 THE MASTER: That is what you said.

19 MR. MITCHELL: The allegation is, he  
20 had a conspiracy with the commissioners  
21 court to buy at the Cash Store and he got  
22 them paid for by the county.

23 THE MASTER: It says up to three hundred  
24 dollars.

25 MR. MITCHELL: That is true, and if he

1 purchased it elsewhere, it would be  
2 relevant, and if he was stealing the three  
3 hundred dollars a month, it would not make  
4 any difference what they charged him.

5 THE MASTER: It is difficult for me to  
6 know how one man knows what is in another  
7 man's head. If Judge Carrillo told him  
8 that, I suppose that is admissible to show  
9 his state of mind, but you have not asked  
10 him that question.

11 MR. MITCHELL: I will ask for a  
12 discussion and I will withdraw the previous  
13 question.

14 THE MASTER: I overrule the objection.

15 MR. MITCHELL: I withdrew the question.

16 THE MASTER: All right.

17 Q (By Mr. Mitchell:) State whether or not you had  
18 a discussion with Judge Carrillo as to why he was  
19 purchasing groceries in Hebbronville, Freer and  
20 Alice, as opposed to the Cash Store in Benavides?

21 A He would go to Rio Grande City and on the way he  
22 would buy at Hebbronville. If he went to La  
23 Gloria, he would buy at Freer.

24 Q Did you ever have a discussion with Judge Carrillo  
25 about prices being too high at the Cash Store in

1 Benavides?

2 A Yes, sir.

3 Q And can you tell us when you had such -- you heard  
4 him discuss it?

5 A Last year.

6 Q Do you know, Mr. Garza, where the Calvin North  
7 ranch is?

8 A Yes, sir.

9 Q Now, I am going to hand you some exhibits that  
10 have been numbered R-26 through R-42 and ask you  
11 to pick out of those photographs the ones that  
12 have your pictures in them and hand them to  
13 the Interpreter.

14 A Here is mine.

15 THE INTERPRETER: Witness indicates  
16 R-34.

17 THE WITNESS: It is my picture.

18 THE INTERPRETER: Witness indicates  
19 R-30.

20 THE WITNESS: This is the old man,  
21 Calvin North.

22 THE INTERPRETER: Witness indicates  
23 R-37.

24 THE WITNESS: Those are all of mine.

25 THE MASTER: Mr. Mitchell, if it is

1 important, and I don't know that it is,  
2 but I have him in my notes as being also in  
3 R-35 and R-41.

4 THE WITNESS: I can't see any other  
5 picture of mine there.

6 MR. MITCHELL: I asked him to pick out  
7 the pictures he was in.

8 THE MASTER: Alone?

9 MR. MITCHELL: Right.

10 Q (By Mr. Mitchell:) Are you in R-35 with other  
11 people?

12 A In this one, yes, there were others there. When they  
13 were building the windmill, this was here.

14 (Witness indicates the concrete tank.) And this  
15 (witness indicates R-34 and R-30) is the windmill  
16 to draw water.

17 Q Are you also in R-41?

18 A I was, but I am not in this picture. I cannot see  
19 myself there in this one.

20 Q In this one?

21 A Yes, sure, I was here on top.

22 THE INTERPRETER: Witness indicates  
23 Exhibit R-30.

24 THE WITNESS: I could not get up into  
25 the trap door on the platform on top of the



1 windmill, so I had to hold onto the wheel to  
2 boost myself up.

3 Q Are you on R-30?

4 A Yes.

5 MR. MITCHELL: Please mark this.

6 (The above-mentioned document was marked  
7 Respondent's Exhibit 49 for identification.)  
8

9 Q Let me hand you R-49 and ask you if this is a copy  
10 of this one?

11 A Yes, sure.

12 Q R-49 is a bigger copy of the same picture as R-41?

13 A It is Mr. Zertuche here.

14 Q Do you recognize in R-41 and R-49 Judge Carrillo?

15 A This one here, that is showing his teeth, because  
16 every time he gets out in the sunshine, he would  
17 wear a red handkerchief and that is a red  
18 handkerchief he has there.

19 Q Do you recognize George Zertuche, Sr.?

20 A Yes, sir.

21 Q In R-49 and R-41?

22 A I know them, yes.

23 Q Do you recognize yourself in there?

24 A Well, just a minute, just a minute, I cannot see  
25 without my glasses.

1 I am looking at the hat there and by the hat,  
2 it is I. I am right here. Right here, this one  
3 right here, this one right here.

4 Q And who is that behind you, do you recognize that  
5 person?

6 A That is Coche.

7 Q And that is a nickname for Ruben Chapa?

8 A That is Ruben, Coche.

9 Q And the other young man, do you recognize him as  
10 Benito Saaverda?

11 A Yes.

12 MR. MITCHELL: We would offer R-49  
13 which is a blown-up copy of R-41.

14 THE MASTER: Admitted.

15 (R-49 admitted in evidence.)  
16

17 Q (By Mr. Mitchell:) Do you know George Zertuche,  
18 Jr., Mr. Garza?

19 A Yes, I do know him.

20 Q You do know -- I believe you have testified you  
21 know George Zertuche, Sr.?

22 A Yes, his father.

23 Q How long have you known George Zertuche, Sr., Mr.  
24 Garza?

25 A Well, many years I have known him.

1 Q As far as 25 or 30 years back?

2 A No less than that before coming to Benavides, I  
3 knew him.

4 Q What age is George Zertuche, Sr.?

5 A He must be 62 to 61 years old.

6 Q What aged man are you?

7 A I am 67 now.

8 Q And Mr. Zertuche has a son named George Zertuche,  
9 Jr.?

10 A That is correct.

11 Q And what age man is George Zertuche, Jr.?

12 A I cannot tell you how old he is, but he must be about--  
13 he is under 40 years of age.

14 Q And he has a son, Hector Zertuche?

15 A Hector, yes.

16 Q And Arturo Zertuche?

17 A That is true.

18 Q And a daughter Elvira Zertuche?

19 A Also, yes.

20 Q Now, I will ask you, please, to go through these  
21 exhibits that were previously given to you, R-26  
22 through R-42.

23 MR. FLUSCHE: I would like to pose an  
24 objection to the materiality of this line of  
25 questioning.

1 THE MASTER: What are you going to ask  
2 him to do, pick out the pictures of the  
3 Zertuches?

4 MR. MITCHELL: Yes.

5 THE MASTER: Well, will it differ from  
6 what the other witnesses have said or done?

7 MR. MITCHELL: I don't know.

8 THE MASTER: I don't see the relevancy  
9 of this.

10 MR. MITCHELL: If these photographs are  
11 stipulated as being authentic and now fully  
12 offered, but as the Court recalls, upon my  
13 original offer, counsel for the examiner,  
14 Mr. Odam, objected to some on incomplete  
15 authentication, which I was inclined to agree  
16 with.

17 Now, I want to remove any cloud  
18 that might attach to any of these exhibits.

19 THE MASTER: But by authentication,  
20 what do you mean?

21 MR. MITCHELL: I mean as to total and  
22 complete weight be given.

23 THE MASTER: How does that authenticate  
24 them?

25 MR. MITCHELL: It identifies without any

1                   doubt the authenticity.

2                   THE MASTER: You are not making sense  
3 to me at this time. It says the pictures are  
4 of Mr. Zertuche, but that alone does not  
5 identify the photograph at all except as a  
6 picture of Mr. Zertuche.

7                   MR. MITCHELL: Yes, a picture of him at  
8 the time and at the occasion --

9                   THE MASTER: Let's not waste the time  
10 to have him pick out pictures. You can hand  
11 him the pictures -- this is repetitious to  
12 me on a very, very minor point. The identity  
13 of the people seem to be clear.

14                  MR. MITCHELL: In fact, the allegations  
15 will be on Mr. North that he charged this  
16 man after 1970, but Mr. North died in 1968  
17 and this man recognized him and I am going  
18 to ask him when the year was. I think it is  
19 critical to Article Two.

20                  THE MASTER: Move a little faster,  
21 but I don't see that there is any point in  
22 him having to identify the Zertuches.  
23  
24  
25

1 Q Do you, in looking at these Exhibit R-26 through 42,  
2 recognize the occasion when the pictures were  
3 taken, Mr. Garza?

4 A I'm not sure.

5 Q When -- well, first of all, do you know Calvin  
6 North's picture?

7 A There, yes. (Witness indicates Exhibit R-27.)  
8 There he is.

9 Q All right.

10 A I recognize him here in the picture and I knew him  
11 personally.

12 Q All right, and I will ask you by looking at those  
13 Exhibits, that is R-26 through 42, if they were  
14 all taken on the same day, on the Calvin North  
15 Ranch as you knew it?

16 A I'm not exactly straight on it, but very close.

17 Q Were you, in going up the windmill, getting water  
18 to put in that small tank that was being built  
19 on the Calvin North Ranch that day, Mr. Garza?

20 A I am going to tell you the truth, only what is  
21 the truth, on Saturday or Sunday, I don't remember  
22 well, this is when they dug the hole. The wind-  
23 mill was braked. he might have braked it. (Indi-  
24 cating Judge Carrillo.) Because it is braked  
25 at the top. Then he tells me if I will go up to

1 top, I will give you ten dollars, if you will  
2 climb up to the top.

3 No one wanted to climb it, because it was  
4 very windy.

5 Q And what was the purpose of climbing up to the  
6 top, was it to unbrake it so it would flow water?

7 A So it would pump water. With the brake, it could  
8 not pump water.

9 Q Into the tank?

10 A The brake is down, you have to raise it up.

11 Q So that the wind can work the pump?

12 A Make the windmill work.

13 Q And is that what you did, Mr. Garza?

14 A That is all I did.

15 Q And did the water that the windmill pumped, was  
16 that water directed to the tank?

17 A When the trough was filled, it would go into the  
18 tank.

19 Q And tell us, to the best of your memory, what  
20 year you climbed the windmill for the ten dollars.

21 A I cannot remember, it has been a long time ago.

22 Q To your best present recollection, can you tell  
23 us when Calvin North died?

24 A I cannot remember, but it has not been too long  
25 that the old man died.

1 Q Can you look at R-49 and tell us what -- where  
2 did that truck that is shown there in R-49, was  
3 it there on the day you climbed the windmill?

4 A There was a second or third truck that he had  
5 bought, it is a green truck that still exists in  
6 Benavides.

7 Q So the answer to the question would be yes?

8 A Yes, yes.

9 Q Can you, by taking my glasses, tell by looking at  
10 it, at R-49, what is the date on that license?

11 MR. FLUSCHE: Your Honor, I want to  
12 interpose an objection.

13 MR. MITCHELL: I didn't finish the ques-  
14 tion yet.

15 MR. FLUSCHE: We have already estab-  
16 lished that the truck has a 65 license plate  
17 on it.

18 THE MASTER: It is repetitive -- Mr.  
19 Mitchell, Mr. Mitchell.

20 MR. MITCHELL: Yes, sir.

21 THE MASTER: I am speaking to you.

22 MR. MITCHELL: I understand.

23 THE MASTER: You didn't act like it.  
24 It is certainly repetitive to ask when Calvin  
25 North died, you proved that by the introduction



1 of the death certificate, and it is cer-  
2 tainly proved and it is not challenged.  
3 Let's be less repetitious.

4 The picture is in evidence, I can look  
5 at the license plate and see whether I can  
6 read it or not.

7 MR. MITCHELL: Well, Your Honor, if I --  
8 if the record is that clear to the court,  
9 I'm just wasting everybody's time. I under-  
10 stood they made an objection to the original  
11 offer of all of these Exhibits on the grounds  
12 they were not authentic, and I understood fur-  
13 ther that the charge, or the specifications  
14 in the amended notice of formal procedure  
15 stated that all of the improvements occurred  
16 after 1970. I was just being doubly sure  
17 that everybody understood that it didn't,  
18 it occurred about like 64.

19 THE MASTER: I cannot read the license  
20 plate.

21 MR. MITCHELL: That's the reason I was  
22 going to ask him, I can't either, Judge.

23 THE MASTER: I expect that my eyes are  
24 better than his.

25 Q All right --

1 MR. MITCHELL: Withdraw that other ques-  
2 tion, then.

3 Q Let me ask you this then, Mr. Garza, do you  
4 recall whether the ranch on which the windmill  
5 was located was the one that Calvin North --  
6 was owned by Calvin North?

7 A He was the owner.

8 Q Was Carlos Herrera down that day?

9 A Yes, he was.

10 Q Oscar Sanchez?

11 A Also.

12 Q Benito Saaverda?

13 A He was there.

14 Q Ruben Chaps?

15 A Also, he was there.

16 Q Arturo and Hector Zertuche?

17 A They were there.

18 Q It was George Zertuche, Senior and Junior?

19 A Both of them were there.

20 Q And Judge Carrillo?

21 A And Judge Carrillo.

22 Q All right.

23 MR. MITCHELL: No further questions.

24

25

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RE - EXAMINATION

BY MS. LEVATINO:

1  
2  
3  
4  
5  
6 Q Mr. Garza, do you remember testifying last month  
7 in Austin, Texas?

8 A Well, I don't remember whether it was last month.

9 Q But do you remember testifying recently in Austin?

10 A Oh, yes, I did go.

11 Q Do you remember a lawyer -- do you remember a  
12 lawyer showing you some pieces of white paper  
13 while you were testifying?

14 A White paper?

15 Q White paper.

16 A I don't remember white paper, no. The only thing  
17 that they showed me was some papers, yellow papers  
18 like that. (Witness indicating yellow pad.)

19 Q Some yellow papers.

20 A You were sitting next to the other attorney. You  
21 were talking to the boy in Spanish, in English,  
22 and the boy was telling me things in Spanish.

23 Q Okay, did the -- will you -- while you were testify-  
24 ing in Austin, were you shown any papers, yellow,  
25 white, blue --

1 A What do you mean, bills or something like that?

2 Q Adding machine tapes.

3 A Yes.

4 Q Okay. Do you remember what was written on those  
5 tapes?

6 A On those tapes, yes, my name.

7 Q Your name?

8 A Yes, it is there.

9 Q Do you remember testifying in Austin that you  
10 wrote --

11 MS. LEVATINO: Strike that.

12 Q Do you remember that on some of the pieces of  
13 paper where your name was written, that you wrote  
14 your name?

15 A I don't remember.

16 Q Do you remember when the lawyer -- when you were  
17 looking at the pieces of paper whether or not you  
18 recognize your signature on any of those pieces  
19 of paper?

20 A On those that were there, yes, I recognize it.

21 Q All right.

22 MS. LEVATINO: Pass the witness.

23 MR. MITCHELL: I have no further ques-  
24 tions of this witness, Your Honor.

25 THE MASTER: You may step down and you

1 are finally excused to go back to work.

2 Mr. Mitchell, I reserve the right to  
3 express a contrary opinion, perhaps, but I  
4 think it says 64 on here.

5 MR. MITCHELL: It sure does, I believe  
6 so, Judge, it looks like 64 to me, too.

7 Liz, out of fairness to you, here, you  
8 make your own judgment.

9 MS. LEVATINO: I didn't even know what  
10 you were talking about.

11 MR. MITCHELL: Right here, the date.

12 THE MASTER: Is this your next witness?

13 MR. MITCHELL: I need to get my co-  
14 counsel. I would call him if I might be  
15 permitted to. May we have permission to get  
16 Mr. Haynes, Judge Meyers?

17 THE MASTER: Yes. Where is he?

18 MR. MITCHELL: Next door, he is in  
19 the library, Judge.

20 THE MASTER: Downstairs?

21 MR. MITCHELL: Yes.

22  
23 (Discussion off the record.)  
24  
25

- - - - -

1 CLEOFUS GONZALEZ,  
2 recalled as a witness.

3  
4 E X A M I N A T I O N

5 BY MS. LEVATINO:

6  
7 Q Mr. Gonzalez, you have already testified in this  
8 proceeding that you were a county employee during  
9 the period of 1968 through May of 1974.

10 Would you state whether or not during that  
11 time your county employment included any responsi-  
12 bilities for the payment of welfare claims by the  
13 county?

14 A Well, not payments, I just made out these welfare  
15 orders that were given to the people that needed  
16 them.

17 MR. MITCHELL: Pardon me, Judge, may  
18 I have permission to get Judge Carrillo?

19 THE MASTER: Yes, but may we go on  
20 just briefly?

21 MR. MITCHELL: I would rather not, Judge,  
22 because he is quitting at which I consider  
23 a very critical matter.

24 THE MASTER: Judge Carrillo should be  
25 in here.

1 MR. MITCHELL: Yes, but he went after  
2 Mr. Haynes.

3 THE MASTER: Didn't Judge Carrillo go  
4 after you?

5 MR. HAYNES: Yes, Your Honor.

6 THE MASTER: I assumed he was out  
7 voluntarily.

8 MR. HAYNES: I guess, he, like I did,  
9 got lost in the maze. I wound up in another  
10 forum and it took me a few minutes to find  
11 out that I was in the wrong forum.

12 (Discussion off the record.)  
13

14 THE MASTER: All right, go ahead, Ms.  
15 Levatino.

16 MS. LEVATINO: Without Mr. Mitchell?

17 THE MASTER: Yes.

18 MS. LEVATINO: All right.

19 Q When did you first start filling out these forms  
20 you said with regard to welfare claims?

21 A Well, about 1968, right along there.

22 Q All right, would you describe exactly what the  
23 process was that you went through in filling out  
24 these claims?

25 A Well, on every first week of the month, you see,

1 the county commissioners gathered all of these  
2 bills so he can take them to San Diego so Mr.  
3 Lauro Yzaguirre would come in with these papers,  
4 he would come in either with these white or written  
5 behind some blank checks or pieces of just yellow  
6 like this here (indicating yellow pad) that said  
7 please give Mr. so and so some amount for procer-  
8 ies. And Mr. Yzaguirre would bring these slips  
9 here to me and say, "Cleofus, I need welfare  
10 orders for these" or orders that were given out  
11 by O. P. Carrillo and I would tell him, "Okay,  
12 Lauro, but you are going to have to either wait  
13 or let -- or let me tell Ramiro when he comes in  
14 about it and I will make them out, and then I  
15 will call you when they are ready or either have  
16 Mr. Carrillo take them to you."

17 So when Ramiro Carrillo came in, I told him,  
18 "Ramiro, Lauro brought this pieces of paper here  
19 that they belong -- they were groceries given out  
20 by O. P. Carrillo" and he said, "Go ahead and make  
21 them out."

22 So I filled out these blanks here that said  
23 something about Duval County welfare department,  
24 and after I made them, I took them to Ramiro's  
25 office and he would look over them and sign them



1 and either get them back to me so I can call  
2 Lauro or sometimes himself, Ramiro took them back  
3 to the Cash Store, back himself.

4 Q Now, would you pick up Examiner's Exhibit 55  
5 which is in front of you?

6 A The front page? What page?

7 Q Turn to page 380.

8 A All right.

9 Q When you say that Lauro Yzaguirre brought you some  
10 slips of paper, would you identify which -- or  
11 tell us whether or not those slips appear on that  
12 page on the Exhibit?

13 A Yes, ma'am, these are on the real bottom of the  
14 page, on the bottom.

15 Q The ones written in handwriting?

16 A Yes, ma'am.

17 Q Would you tell us which form or if there is a  
18 form on that page that you filled out.

19 A The ones on the top part of it -- on that page.

20 Q The ones saying Duval County welfare department?

21 A Yes, ma'am.

22 Q Can you identify the form that's in the middle  
23 of the page?

24 A Yes, ma'am.

25 Q What is that?

1 A I guess that is the one the store made, or  
2 something.

3 Q When you filled out the form that's at the top  
4 of the page, did you fill it out from -- ever  
5 fill it out --

6 MS. LEVATINO: Pardon me, strike that.

7 Q When you filled out the form at the top of the  
8 page in January of 1971 until May of 74, did you  
9 ever fill out the names from the invoice slips  
10 which appear in the middle of that page?

11 A Not that I remember, ma'am.

12 Q All right, are you familiar with the signature  
13 of Judge Carrillo?

14 A Yes, ma'am.

15 Q To your knowledge, referring to that same page,  
16 would that be the Judge's signature on those hand-  
17 written slips?

18 MR. MITCHELL: On what page, excuse me,  
19 Counsel?

20 MS. LEVATINO: Page 380 of Exhibit E-55,  
21 the page that we have just been looking at.

22 MR. MITCHELL: All right, thank you.

23 A Well, to my knowledge it is, ma'am, yes.

24 Q You testified that you always got Ramiro's  
25 approval before you filled out the Duval County

1 welfare form, is that correct?

2 A Yes, ma'am.

3 Q What did you do with the forms after you filled  
4 them out?

5 A Well, I have to keep one there. It was a pink  
6 slip for the records of his office. I just keep  
7 one there, and the other two I just staple them  
8 with this together, put them together and put  
9 them in the same envelope that they had brought  
10 into me and then I either called Mr. Yzaguirre  
11 that they were ready or Mrs. Yzaguirre and they  
12 would sometimes come and pick them up or Ramiro  
13 would take them over to the store.

14 Q All right. I now ask you to turn to page 408,  
15 of Examiner's Exhibit 55.

16 A 480?

17 Q 408.

18 A Oh, 408, all right.

19 Q This Exhibit does not contain any of the white  
20 slips that we referred to in the previous exhibit.  
21 Do you know why those white slips are not in this  
22 Exhibit?

23 MR. MITCHELL: That would be hearsay,  
24 Judge.

25 Q To your knowledge?

1 THE MASTER: He can testify -- no, the  
2 objection is overruled.

3 Q Answer the question.

4 A Well, the Exhibit I think it is 4-1, I think  
5 those were not given by O. P. Carrillo, the top  
6 one. Are you talking about that Duval County  
7 welfare department slips?

8 Q I'm asking you if you would know why there would  
9 not be included in this Exhibit some of the  
10 long white handwritten slips which you have iden-  
11 tified to your knowledge were written by Judge  
12 Carrillo?

13 A I couldn't tell you why, ma'am, no, ma'am.

14 Q That you filled out the Duval County welfare form  
15 from these long white slips, did you always return  
16 the long white slips to either Ramiro Carrillo,  
17 Lauro Yzaguirre or any other person?

18 A Sometimes, I kept them, you know, I was doing  
19 things in such a hurry that I forgot to put  
20 them back and so I kept them with me and I put  
21 them back with those pink slips. I didn't --  
22 I didn't send them over to Lauro Yzaguirre but  
23 that was just occasionally. I either forgot to  
24 put them back or I was doing so many things at  
25 the same time I had to do this in a hurry, you

1 know, that happened on a morning that we were  
2 very busy doing something and I had to do it and  
3 I had so many things to do.

4 Q Okay, referring you again to the same page 408  
5 of Examiner's Exhibit 55, the bottom Duval County  
6 welfare department form contains the writing O.P.  
7 at the bottom, O. P. at the bottom. Do you recog-  
8 nize that at the bottom?

9 A Yes, in case if somebody asks me those were  
10 orders -- probably if Ramiro would come to me  
11 and say these orders were not given by me, so  
12 I put the O. P. so I would know it was orders  
13 given by O. P. Carrillo.

14 Q Did you, from the time of January, 1971, through  
15 May of 1974, did you always indicate O. P. on  
16 what you referred to as O. P.'s orders?

17 A On most of them, yes.

18 Q Mr. Gonzalez, how long have you lived in Bena-  
19 vides?

20 A All my life.

21 Q Are you familiar with most of the residents in  
22 Benavides?

23 A Yes, ma'am.

24 Q Do you know a person named Mike Ruiz?

25 A Well, I have known him when he was a young boy.

1           about probably fourteen or sixteen years old, I  
2           think.

3           Q Does he live in Benavides now?

4           A He used to a long time ago about 19 -- I don't  
5           recall the date, but right along -- I worked  
6           with his daddy before I started working for the  
7           county, in other words.

8           Q Could you give us a general number of years to  
9           the best of your recollection that he moved?

10          A Well, it was right after I started working for  
11          the county. We were working together for a com-  
12          pany, I was doing some contracting for Coastal  
13          States so that should have been about 1961 --  
14          60 or 61, right along there.

15          Q Do you know any other Mike Ruiz's in Benavides  
16          or Duval County besides the ones just referred  
17          to?

18          A Not that I know, ma'am. There might be some  
19          but not that I know.

20          Q Do you know a Rosa Chapa?

21          A Yes, ma'am.

22          Q How many Rosa Chapa's do you know in Benavides?

23          A Well, just one ma'am.

24          Q Do you know any Rosa Chapa's in the rest of  
25          Duval County?

1 A Well, I am not very familiar with the rest of  
2 the towns, just Benavides. I don't know if there  
3 is another Rosa Chapa.

4 Q Okay, do you know a Tete Chapa?

5 A Yes, ma'am.

6 Q How many Tete Chapa's do you know in Benavides?

7 A Just one?

8 Q Do you know anyone else in Benavides that has  
9 the last name Chapa and the first name starting  
10 with a T?

11 A Chapa, they used to be an old man, his name, I  
12 think it was Tomas Chapa, but he is already  
13 deceased. I don't know how long ago, I mean --

14 Q Do you know Patricio Garza?

15 A Yes, ma'am.

16 Q How many Patricio Garza's do you know in Bena-  
17 vides?

18 A Only one.

19 Q Do you know Consuelo Hinojosa?

20 A Yes, ma'am.

21 Q How many Consuelo Hinojosa's do you know in  
22 Benavides?

23 A I think only one in Benavides.

24 MS. LEVATINO: Pass the witness.

25

1 MR. MITCHELL: Your Honor, may I take  
2 the witness on cross for Article One?

3 THE MASTER: Well, and that is all?

4 MR. MITCHELL: Yes, and that is all,  
5 and with permission that Mr. Haynes will take  
6 the witness for other cross-examination.

7 THE MASTER: At this time or at another  
8 time?

9 MR. MITCHELL: At another time.

10 THE MASTER: Sure.

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

14 BY MR. MITCHELL:

15  
16 Q Mr. Gonzalez, I believe -- strike that. Let me get  
17 my time sequence straight.

18 When did you first start having duties in  
19 connection with the welfare as administered prior  
20 to the time you went to work for Rufolfo Couling?  
21 When did you start, do you remember?

22 A About '68, I think.

23 Q And I believe your testimony is that the Yzaguirres  
24 that owned the Cash Store would call you, Lauro  
25 specifically, when he had chits from the welfare.



1 people?

2 A He didn't call me. In the middle of the week, he  
3 would bring them to me on the welfare orders.

4 Q Look at Examiner's Exhibit 55, page 351. The  
5 welfare order we are talking about is that form?

6 A 351?

7 Q Yes, on E-55.

8 Looking at E-55, the welfare order we are  
9 talking about is the document printed at the top,  
10 Duval County Welfare Department?

11 A Yes.

12 Q He could not proceed to give out the groceries  
13 unless that form were filled in, is that correct?

14 A I don't know, sir.

15 Q Would he tell you there was no way for him to  
16 honor the chits without the order from the welfare?

17 A He didn't tell me nothing.

18 Q What did he tell you?

19 A He brought them and I said he would have to stay  
20 until Ramiro Carrillo okayed it.

21 Q Mr. Ramiro Carrillo had to okay this form?

22 A Yes.

23 Q And I believe you testified that you took this  
24 form and made it out from the slips he brought in?

25 A Yes.

- 1 Q And gave this form to Ramiro Carrillo to sign?
- 2 A Yes.
- 3 Q Mr. Lauro Yzaguirre would take that and I suppose
- 4 he would have those slips with him?
- 5 A Yes.
- 6 Q And would you get the name from the little white
- 7 slips appearing on that page?
- 8 A Yes.
- 9 Q And you would get the amounts?
- 10 A From the bills here, yes.
- 11 Q From the white slips?
- 12 A Yes.
- 13 Q And you would put that on the official Duval
- 14 County form?
- 15 A Yes.
- 16 Q And Ramiro Carrillo would sign that form?
- 17 A Yes.
- 18 Q And Mr. Lauro Yzaguirre would take the white slips
- 19 and fill out the grocery man's slip that appeared
- 20 on the bottom of that page?
- 21 A I don't know if he did it before or after, I can't
- 22 tell you that.
- 23 Q Did you have anything to do with putting the
- 24 package together that was presented to the
- 25 commissioners court for payment?

1 A No, sir.

2 Q You are not testifying Ramiro Carrillo was the one  
3 and only person in Duval County in 1971 through  
4 1975 that was authorized to authenticate the welfare  
5 slips?

6 A No, sir.

7 Q I believe Judge Carrillo was also authorized?

8 A I don't know.

9 Q The other commissioners were authorized?

10 A Yes, sir.

11 Q Now, concerning Judge Carrillo, looking back on  
12 page 408, I believe you testified earlier in a  
13 question put to you, that that particular  
14 official form on 408, you made a notation at the  
15 bottom of O. P.?

16 A Yes.

17 Q And you did that to identify the form that was  
18 filled in from slips bearing O. P.'s initials?

19 A Yes.

20 Q And I believe you said you tried to put O. P. on  
21 all of the ones that you filled in that were  
22 based on chits presented by O. P.?

23 A Yes.

24 Q I believe I have examined all of the pages of E-55,  
25 and beginning at page 351 and going through and

1 including page 439, and there is not one other  
2 official form with the initial O. P. under the  
3 name of the issuing officer, is that correct?

4 A I have not checked them.

5 Q I may not be correct, but --

6 THE MASTER: You are not, look on page  
7 412.

8 MR. MITCHELL: I would like to go through  
9 each one.

10 THE MASTER: Let me ask him to turn to  
11 page 412.

12 Q (By Mr. Mitchell:) Yes, the Court pointed out on  
13 page 412 that there appears to be two of them which  
14 appear to be the signature of O.P. Are they put  
15 in there by you?

16 A Yes.

17 Q So, the two on page 412 and the one on page 408  
18 will be three out of that group, am I correct?

19 A Yes.

20 MS. LEVATINO: If I may, I could read  
21 all of them to counsel.

22 MR. MITCHELL: Yes, please.

23 MS. LEVATINO: Page 416 --

24 THE MASTER: At the very stop?

25 MS. LEVATINO: Yes, and on page 406 and

1 407, page 399, page 375, page 376 and page  
2 394.

3 MR. MITCHELL: Counsel, may I request  
4 that if they put together these exhibits,  
5 and if so, is that all that were found for  
6 the years 1970 to date?

7 MS. LEVATINO: I will answer that. I  
8 don't know if they are or not. We pulled  
9 out a number of forms. I did not specifically  
10 look for the records for the O. P. designation  
11 on them. I don't know if there are others.

12 MR. MITCHELL: Am I correct -- may I  
13 address this to counsel?

14 THE MASTER: Yes.

15 MR. MITCHELL: There are eight that  
16 appear here?

17 MS. LEVATINO: Nine.

18 MR. MITCHELL: Covering the years from  
19 1970 through and including the last month of  
20 1974?

21 MS. LEVATINO: May, 1974.

22 MR. MITCHELL: Thank you, counsel.

23 THE MASTER: What did you say about May,  
24 1974?

25 MS. LEVATINO: Through May, 1974, was

1                   when Mr. Gonzalez terminated his employment.

2                   THE MASTER: Yes, but, of course, the  
3                   slips go past that?

4                   MS. LEVATINO: Yes.

5                   MR. MITCHELL: That is the reason I  
6                   took it on through December.

7                   THE MASTER: All right.

8                   Q (By Mr. Mitchell:) Does nine times for a period  
9                   of time from May, 1970, until May, 1974, appear  
10                  to be about right?

11                  A I didn't count them

12                  Q There are nine?

13                  A Yes.

14                  Q Now, you were asked concerning -- strike that.

15                         Did you have to go before the commissioners  
16                         court and explain any of those?

17                  A No, sir, I never did know that they were paid or  
18                         not, no, sir, I didn't know that.

19                  Q Now, also, Mr. Gonzalez, it is, of course, not  
20                         your testimony that these were the only ones  
21                         appearing in Exhibit Number 55, the only claims  
22                         made for groceries in connection with the welfare  
23                         program in Duval County from May, 1970, to May,  
24                         1974, there were many more, were there not?

25                  A Yes, I believe so.

1 Q Now, do you know a Tuto Chapa?

2 A Yes, sir.

3 Q Do you know Tete Chapa?

4 A Yes.

5 Q And Tete is Ruben?

6 A No, Rudolfo.

7 Q But Tuto is another Chapa?

8 A Yes, but he lives in Corpus. He doesn't live in  
9 Benavides.

10 Q How about Toto Chapa, do you know a Toto Chapa in  
11 Benavides?

12 A No.

13 Q Now, also, did you know, of course, you know Mrs.  
14 Lauro Yzaguirre?

15 A Yes.

16 Q She is a lady that previously testified here?

17 A Yes.

18 Q Her husband is Lauro Yzaguirre?

19 A Yes.

20 Q And you know him?

21 A Yes.

22 Q Do you know Abel Yzaguirre?

23 A Yes.

24 Q And do you know that Mrs. Lauro Yzaguirre, sometime  
25 in 1970, was out of the store for about two years?

1 Do you know she was out of the store because of  
2 an operation she had?

3 A I could not tell you.

4 Q Did you ever deal with Mrs. Lauro Yzaguirre?

5 A No, sir.

6 Q Have you ever been in the Cash Store during the  
7 period of time from 1970 to 1974?

8 A Very little, sir.

9 Q When you were there, who were you dealing with?

10 A Whoever was there. It didn't take but five  
11 minutes. I went there just about -- well, I don't  
12 know how many times, but a few times, to buy a  
13 six-pack of beer or ice cream.

14 Q And on those occasions, would you deal with Lauro  
15 or Abel or Mrs. Yzaguirre?

16 A When I went over there, the old man was there, I  
17 believe.

18 Q That is Abel?

19 A Yes. It would be in the afternoon mostly.

20 Q And the store stayed open all the time, Monday  
21 through Sunday, do you know?

22 A Right now?

23 Q Say in 1974?

24 A I could not tell you, sir. Probably, yes, I guess  
25 they opened every day.



1 Q And how late did they stay open, if you know,  
2 did they stay open past 5?

3 A I guess they did stay past 5, I don't know.

4 MR. MITCHELL: I believe I have no  
5 further questions of the witness on Article  
6 One, Judge.

7 MS. LEVATINO: I have no further  
8 questions.

9 THE MASTER: Thank you, Mr. Gonzalez,  
10 you may step down.

11 They will need you further on  
12 other matters today.

13 We will break at this time and be  
14 back at 12 o'clock.

15 (Short recess taken.)  
16

17 THE MASTER: What do you have to take  
18 up at this time, Mr. Odam?

19 MR. ODAM: The other day, after, or  
20 during the testimony of Mr. Cleofus  
21 Gonzalez, in view of his testimony brought  
22 out on cross-examination, I made mention  
23 that we would like to ask the Master to  
24 amend the pleadings.

25 THE MASTER: You did.

1 MR. ODAM: And you asked me to prepare  
2 a written trial amendment, which I have done,  
3 and I will now give a copy of that to counsel.

4 Based on the testimony of Mr. Gonzalez  
5 the other day with respect to working in the  
6 Farm and Ranch Store, it is not my intention  
7 to go into what would be Article Five at  
8 this time, but I wanted to present the trial  
9 amendment.

10 THE MASTER: Well, I will receive that  
11 at this time and we can discuss whether or  
12 not I ought to allow it to be filed at a  
13 later date.

14 MR. ODAM: All right, sir, fine.

15 THE MASTER: I take it, Mr. Mitchell,  
16 there might be an objection to it?

17 MR. MITCHELL: Yes, Your Honor.

18 Judge Meyers, we would like to have  
19 leave to file a written reply; however, out  
20 of fairness to the Court and to the record,  
21 I might suggest the objections we might have  
22 would be matters contained in Roman Number  
23 Five and have been known to counsel for the  
24 examiner at all times.

25 THE MASTER: I believe I had rather see

1 it in writing.

2 MR. MITCHELL: Okay, sir. I would  
3 rather put it in writing.

4 THE MASTER: I am just receiving it,  
5 not filing it.

6 MR. MITCHELL: Fine, Judge.

7 Would the Court state a deadline  
8 for me to file this?

9 THE MASTER: Being practical, if the  
10 Senate does go in session Tuesday and you  
11 are there, I am not -- I mean, I am going  
12 to let that take its course, of course.

13 MR. MITCHELL: All right.

14 MR. ODAM: One other comment. Very  
15 briefly, with respect to the comments made  
16 on Monday, when we were now down to the last  
17 section of testimony, and I would like  
18 briefly to make a general comment, but it is  
19 on seven through twelve.

20 THE MASTER: Yes, sir.

21 MR. ODAM: I will not refer specifically  
22 by amounts, but referring generally as to  
23 assigned paragraph seven through twelve,  
24 Your Honor, paragraph seven, eight, nine and  
25 ten, we think the evidence will show the

1 following: Number one, that invoices were  
2 billed out on an entity called Benavides  
3 Implement and Hardware for work not done by  
4 the County of Duval. These invoices were  
5 then submitted to the County of Duval and  
6 approved by the commissioners court of Duval  
7 County and after that checks were issued to  
8 Benavides Implement and Hardware for work,  
9 for equipment, for services and so forth  
10 that were not in fact performed by the county.  
11 After the checks were issued, with respect  
12 to seven, eight, nine and ten, and maybe  
13 including eleven and twelve, that after  
14 checks were issued, I believe the evidence  
15 will show that the general manager for  
16 Benavides Implement and Hardware issued a  
17 check for the same amount to Judge O. P.  
18 Carrillo. Basically, what we are saying is,  
19 with respect to those, Judge O. P. Carrillo  
20 received money indirectly from the county for  
21 work not done and it was money taken from the  
22 county which he was not entitled to nor  
23 was the Benavides Implement and Hardware.  
24 We think the evidence will show where in  
25 number eleven an automobile, Pontiac

1 station wagon, was given to Judge O. P.  
2 Carrillo incorrectly and unlawfully and  
3 Judge O. P. Carrillo received the gift of  
4 that. The payments were made by the  
5 Benavides Implement and Hardware.

6 Finally, with respect to Paragraph  
7 twelve, we believe the evidence will show  
8 transactions happened where Judge O. P.  
9 Carrillo received for his own use and  
10 benefit, or his own property, a number of  
11 items, particularly some Caterpillar  
12 tractors. These were paid for by the  
13 county and charged to the county.

14 I would like to call as our  
15 first witness on that Cleofus Gonzalez.

16 MR. MITCHELL: In connection with the  
17 opening statement, in view of the fact that  
18 the formal articles, articles seven, eight,  
19 nine and ten and eleven and twelve and  
20 another, mention, and I direct my remarks to  
21 seven through ten, have no mention whatsoever  
22 in them, they are general charges of general  
23 appropriation of money, one thousand and  
24 eight dollars, one thousand eighteen dollars  
25 in them, and so forth. There is no mention

1 being made of any conspiracy and we are  
2 totally unprepared to proceed on the outline  
3 of specifications as contained in the  
4 opening statement.

5 There is no way in the world I  
6 could be prepared to meet the thrust of a  
7 conspiracy between Rudolfo Couling --

8 THE MASTER: This is a closed hearing, sir.

9 You may proceed, Mr. Mitchell, but  
10 I thought I ought to interrupt you when he  
11 first walked in rather than let him stand  
12 there.

13 MR. MITCHELL: Fine, Your Honor.

14 In fact, Your Honor, reading  
15 seen, eight, nine and ten, they are in fact  
16 misleading, if the examiner plans to  
17 introduce the checks for these amounts  
18 payable to Benavides Implement and Hardware.  
19 Quite frankly, I am now put to a terrible  
20 choice of proceeding without waiving, and I  
21 have no ample notice, except this statement  
22 he made. Likewise, on number eleven, Judge  
23 Meyers, it talks about five thousand six  
24 hundred twenty-five dollars wrongfully  
25 obtained. He mentioned that this article

1 eleven deals with a Pontiac and I must state  
2 to the court the first indication I have had,  
3 as defense counsel, that the examiner intends  
4 to go into that, was just a few minutes ago,  
5 and I am an agile individual and can handle  
6 myself very well, but it is going to be tough  
7 to defend on a Pontiac.

8 Finally, on Article twelve, counsel  
9 states in his opening statement that Article  
10 twelve deals with the appropriation of  
11 tractors and Caterpillars. That article, I  
12 submit, is misleading and at the very outset  
13 of the statement of counsel, I thought he  
14 said twenty-five thousand, but it is nineteen  
15 thousand, and if you appropriate a tractor  
16 and bulldozer, then I am misled on these and  
17 not prepared to defend it.

18 I know the Court can order me to  
19 proceed and I say to the Court I had no  
20 notice whatsoever and I had none, except  
21 yesterday afternoon with counsel, when he and  
22 I tried to agree as to the authentication of  
23 certain documents that the Benavides  
24 Hardware was tied into this.

25 I am not prepared to proceed and

1 have no notice of anything whatsoever on  
2 Articles seven through twelve.

3 MR. ODAM: Would you like for me to  
4 respond?

5 THE MASTER: Yes, -- well, you need to  
6 respond, because the allegations are -- don't  
7 go into detail that you went into.

8 MR. ODAM: Yes, sir, I understand that,  
9 and articles seven, eight, nine and ten, for  
10 example, that I stated generally that we  
11 would show he wrongfully obtained the sums  
12 of one thousand eight and one thousand  
13 eighteen and so forth, so let's talk about  
14 those.

15 My opening statement at that time  
16 was that he obtained from the County of  
17 Duval that money. I generally explained  
18 the procedure by which Judge Carrillo  
19 wrongfully obtained the amounts of money here  
20 and by all means, these are not all of them,  
21 but this is all we are going into at this  
22 time. So, Your Honor --

23 MR. MITCHELL: We rove to strike where  
24 counsel said this is by no means all but  
25 this is all we are going into.



1 MR. ODAM: I will withdraw that.

2 Paragraphs seven through ten say  
3 he wrongfully obtained the sums of certain  
4 amounts of money and that is what we intend  
5 to prove, that that amount of money was  
6 wrongfully obtained by the Judge --

7 THE MASTER: But frequently lawyers  
8 want to know how was it wrong.

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

10 THE MASTER: From the pleadings.

11 MR. ODAM: Yes, sir.

12 THE MASTER: And your pleadings are  
13 short in that respect.

14 MR. ODAM: I didn't go into detail.

15 THE MASTER: I could file a pleading  
16 saying the Defendant wrongfully damaged my  
17 car and injured me and I suspect there would  
18 be an outcry about that pleading, don't you?

19 MR. ODAM: Yes, sir, there is no question  
20 about that and I agree with that.

21 Just like in a criminal indictment,  
22 and Mr. Mitchell has referred to the criminal  
23 proceedings quite often, but if I am not  
24 mistaken, it is broad, but again, back to  
25 this situation, you can be specific and I

1 perhaps -- all I am saying is, number one,  
2 they could be more specific. I could have  
3 set out how it took place.

4 With respect to the comments Mr.  
5 Mitchell made about the Caterpillars,  
6 perhaps I was misleading about those. We  
7 state he wrongfully obtained the sums of  
8 money and that sum of money was applied to  
9 the Caterpillars. We are not saying he  
10 obtained the Caterpillars and we are saying  
11 that he wrongfully obtained the money and  
12 that was applied to these Caterpillars.  
13 There is a distinction. We could have  
14 pleadings on that, as to how it was  
15 obtained, and we have not said he obtained  
16 a Caterpillar, and we have not said he  
17 obtained a station wagon, but I am saying  
18 that money was used for those items.

19 THE MASTER: Well, my inclination is  
20 to start with Mr. Gonzalez with the  
21 recognition that we have only 45 minutes to  
22 go and that as we get into it, if there  
23 appears to be a problem on Mr. Mitchell's  
24 preparation, we have a recess coming and  
25 that may take care of the situation.

1 MR. MITCHELL: Very good, Your Honor,  
2 and may I have some indication, if during  
3 that recess, it might be a little more  
4 specific, so I can be prepared?

5 THE MASTER: Well, maybe I should have  
6 gotten into those exceptions earlier. I  
7 think the pleadings are pretty skimpy. I  
8 am not sure that if this were a case in  
9 district court and that exception to that  
10 pleading would be a good exception and would  
11 have to be sustained, so you may very well  
12 want to plead more fully.

13 If we do reconvene next week, that  
14 the first thing I will take up would be the  
15 exceptions to this pleading, so you can  
16 decide on your own, Mr. Odam, whether you  
17 think the exceptions are good or not.

18 If you think they are not good,  
19 and think you can convince me, if I were  
20 you, I would not amend, but if I thought  
21 they stood a chance of doing so, I would  
22 let that govern it.

23 MR. ODAM: Your Honor, this is an  
24 extraordinary proceeding and I don't  
25 obviously object to the analogy to it. If

1 the pleadings were amended to plead more  
2 specifically, my question would be that if  
3 that were done, what would that do to the  
4 timetable with respect for evidence on those,  
5 would we have a period of a recess for that  
6 or not?

7 MR. MITCHELL: Well, Your Honor, I do  
8 have, as the Court knows, on file objections  
9 that would not be cured by an amendment.

10 THE MASTER: That is a different aspect.

11 MR. MITCHELL: All right, but I say  
12 that as a preamble, but I would certainly  
13 appreciate more specific allegations and  
14 anything I can get would be better than I  
15 have and would be pleased to have it.

16 MR. ODAM: That I can understand. My  
17 question is, once given those pleadings,  
18 would Mr. Mitchell want to recess to have  
19 time to prepare an answer to those?

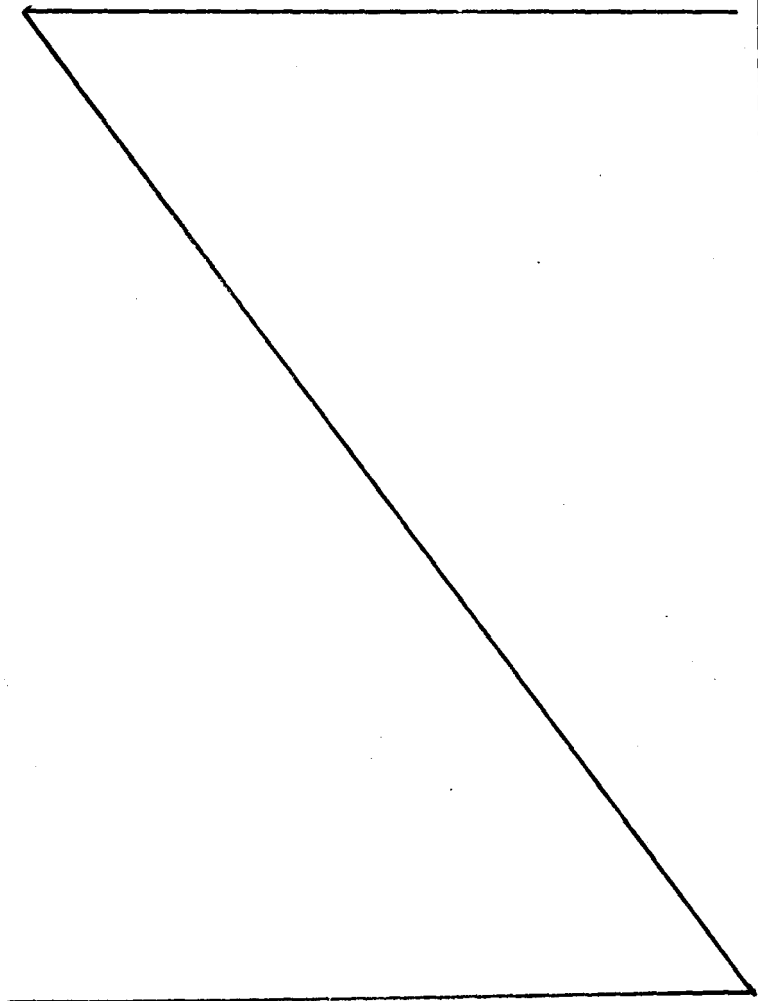
20 MR. MITCHELL: Certainly, with the  
21 pleadings, as the Court well knows, I can  
22 investigate briefly the background to prepare  
23 an answer and meet them. I don't think  
24 amending will do anything more than apprise  
25 me.

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THE MASTER: It depends in part on what  
it says.

MR. MITCHELL: True.

THE MASTER: Let's go on with Mr.  
Gonzalez and we will wait to see what  
tomorrow holds.



1 MR. ODAM: We will call at this time  
2 as our first witness on Article 7, Cleofus  
3 Gonzalez.

4 MR. MITCHELL: Your Honor, might I,  
5 for the purpose of the record, without  
6 waiving and without interrupting the examina-  
7 tion that is to commence at an objection as  
8 regards any testimony that goes beyond my  
9 notice, request and secondly, an objection  
10 to all testimony which relates to the Bena-  
11 vides and Harówa and Rudolfo Couling on  
12 the ground it is irrelevant and immaterial  
13 to the present posture of the formal and/or  
14 amended notice of formal hearing.

15 THE MASTER: I don't understand that  
16 last one. I understand that you are object-  
17 ing to evidence of any alleged improprieties  
18 that were not included in one, the informal  
19 notice and two, the formal notice.

20 MR. MITCHELL: That's right.

21 THE MASTER: That the Judicial Qualifi-  
22 cations Commission and you are taking an  
23 alternative position, first to the formal  
24 notice and secondly, your position to the  
25 first filed formal notice.

1 MR. MITCHELL: That's right.

2 THE MASTER: What is the other one,  
3 I didn't understand.

4 MR. MITCHELL: The other one is that  
5 I wanted to object to the testimony that is  
6 to be so elicited without having to inter-  
7 rupt as it comes in between this witness  
8 and third persons, namely, Mr. Couling and/or  
9 Benavides Implement and Hardware, which I  
10 anticipate he is going to get into, as  
11 being irrelevant and immaterial to Judge  
12 Carrillo.

13 THE MASTER: It might be very relevant  
14 and very material on these charges, but it  
15 might be hearsay. So what do you --

16 MR. MITCHELL: Would you prefer me to  
17 object as the questions are put to the wit-  
18 ness? I will be glad to, Judge, I just  
19 though I would make an objection at the  
20 outset.

21 THE MASTER: I would rather get into  
22 it a little bit and see what you are driv-  
23 ing at.

24 MR. MITCHELL: All right.

25 THE MASTER: Because you -- I do not

1 understand it.

2 MR. MITCHELL: All right, Your Honor.

3 THE MASTER: And I don't know what the  
4 evidence is going to be.

5 MR. MITCHELL: All right.

6 THE MASTER: Mr. Gonzalez, have a  
7 seat in your favorite chair, please, sir.  
8

9 - - - - -

10  
11 CLEOFUS GONZALEZ,

12 recalled as a witness:  
13

14 EXAMINATION

15 BY MR. ODAM:  
16

17 Q Would you please state your name for the record?

18 A Cleofus Gonzalez.

19 Q Mr. Gonzalez, I believe you testified here earlier  
20 here today, is that correct?

21 A Yes, sir.

22 Q And you understand you are still under oath with  
23 respect to the questions that will be asked of you  
24 both by Mr. Mitchell and Mr. Haynes and by myself,  
25 you understand that you are under oath to tell



1 the truth?

2 A Yes, sir.

3 Q I believe you stated previously that you resided  
4 in Benavides, Texas, is that correct?

5 A Yes, sir.

6 Q And how long have you resided there?

7 A All my life.

8 Q And is it your earlier testimony that you worked  
9 for the Farm and Ranch Store, is that correct?

10 A Well, I worked for the Duval County, but there  
11 it is farm and ranch -- the farm and ranch supply  
12 is there.

13 Q Perhaps for the purposes of this, we can make  
14 that clear again. You were employed and were  
15 paid by what entity?

16 A Duval County.

17 Q And in 1971, by whom were you employed?

18 A By Duval County.

19 Q And it was your testimony the other day that the  
20 farm and ranch store is in the same building  
21 where the warehouse is located or on the same  
22 premises?

23 A Yes, sir.

24 Q I believe it was your testimony the other day  
25 that you worked and were paid as a warehouseman

1 plus you did duties as -- for Farm and Ranch  
2 store?

3 A Yes, sir.

4 Q Would you state for the record with respect to  
5 what we are going into now exactly what were your  
6 duties again on the Farm and Ranch Store -- for  
7 the Farm and Ranch Store?

8 A Selling whatever they had there.

9 Q And what type of equipment and supplies did they  
10 have at the Farm and Ranch Store?

11 A Hardware, auto parts, paints, cattle feed, seeds.

12 Q Just a general --

13 A Yes, sir.

14 Q Just a general supply store?

15 A Yes, sir.

16 Q Have you ever heard of an entity called the  
17 Benavides Implement and Hardware Store?

18 A Yes, sir.

19 MR. MITCHELL: We would object on the  
20 grounds of whether he heard of it or not  
21 and that would be immaterial and irrelevant  
22 to these proceedings, Your Honor.

23 THE MASTER: Overruled.

24 Q Can you state for the Court if you know where the  
25 Benavides Implement and Hardware store is or, say,

1 was located in 1971?

2 MR. MITCHELL: The same objection if  
3 it please the Court.

4 THE MASTER: It is overruled.

5 Q Go ahead and answer the question.

6 A It is right there in the middle of town.

7 Q Is the Farm and Ranch Store located on the north  
8 or south side of town, the Farm and Ranch Store?

9 A On the east side of town, east.

10 Q East side of town?

11 A Yes, sir.

12 Q And the Farm and Ranch Store, is it located on  
13 one of the side streets or is it on the main  
14 street?

15 A On the main street, south side of main street.

16 Q And if it is on the south side of the main street,  
17 and you have stated you have heard of Benavides  
18 Implement and Hardware, where is Benavides Imple-  
19 ment and Hardware located?

20 A Well, about four blocks west from Farm and Ranch,  
21 across the street, across main street and across  
22 the railroad tracks.

23 Q Now, the Benavides Implement and Hardware Store,  
24 were you employed at the Benavides Implement  
25 and Hardware Store in 1971?

1 A No, sir.

2 Q I believe it is your testimony the other day, to  
3 the best of your knowledge, that the Farm and  
4 Ranch Store was owned by whom, if you could  
5 restate for the court?

6 A It was owned by --

7 Q The Farm and Ranch Store.

8 A By O. P. Carrillo and Ramiro Carrillo.

9 MR. ODAM: I'll ask you to mark this,  
10 please.

11  
12 (Marked for identification by the  
13 reporter as Exhibit E-60.)

14 Q Mr. Gonzalez, I'll show you what the court  
15 reporter has marked as an Exhibit Number E-60  
16 and ask if you can identify this item.

17 A I made out this ticket, sir.

18 Q Now, could you state whether or not this is a  
19 ticket made up on the store that you were working  
20 at at the Farm and Ranch Store?

21 A Yes, sir, it was made out at the Farm and Ranch  
22 Supply.

23 Q It was made at Farm and Ranch Supply?

24 A Yes, sir.

25 Q Is it made out for Farm and Ranch Supply?

1 A No, sir, it is made out to Duval County Precinct  
2 Number 3.

3 Q And what is the name of the company that appeared  
4 at the top of the slip?

5 A Benavides Implement and Hardware Company.

6 Q How can you identify the Exhibit E-60?

7 A Well, you see I had this invoice registered there  
8 at the Farm and Ranch Supply for me to make out  
9 tickets to every government agency I would sell  
10 because they couldn't sell to them?

11 Q Who could not sell to them?

12 A I mean the Farm and Ranch could not sell to the  
13 government agencies.

14 Q Why could it not sell to governmental agencies?

15 A They said they couldn't because they all had  
16 decisions in the county and something sort of  
17 like nepotism, that is what they told me.

18 MR. MITCHELL: We would object, of  
19 course, it would be hearsay.

20 THE MASTER : Overruled.

21 MR. MITCHELL: Who they are and so  
22 forth.

23 THE MASTER: That is unexplained in  
24 the record, that is correct.

25 MR. ODAM: I was just getting to that,

1 Your Honor.

2 THE MASTER: All right.

3 Q You said, "they" said you could not sell to the  
4 county. You are talking about -- correction, you  
5 were talking about the Farm and Ranch Store?

6 A Yes, sir.

7 Q And when you say "they" could you be more specific  
8 as to who you are referring to?

9 A Ramiro Carrillo and O. P. Carrillo.

10 Q Who you said, as far as you know, to be the  
11 owners of the Farm and Ranch Store?

12 A Yes, sir.

13 Q Now, on Exhibit E-60, could you state where you  
14 were when you --

15 MR. MITCHELL: Strike that question.

16 Q On Exhibit E-60, can you identify this as an  
17 item that you personally filled out?

18 A I made it out, yes.

19 Q So that is your handwriting that appears on E-60?

20 A Yes, sir.

21 Q How can you identify it, that it is your hand-  
22 writing? Is your name on it somewhere?

23 A Yes, my initials are here, C.G.

24 Q Your initials are where it says "sold by"?

25 A Yes, sir.

1 Q And that is C.G.?

2 A I make it C.G.

3 Q Okay.

4 MR. MITCHELL: I can't see where he  
5 is talking about.

6 MR. ODAM: Right here in the part  
7 that says "sold by."

8 MR. MITCHELL: Oh, all right.

9 Q All right. And where were you when you filled  
10 out this E-60, if you know?

11 A At that Farm and Ranch Supply.

12 Q At the Farm and Ranch Supply?

13 A Yes, sir.

14 Q Now, could you explain for the Court why it was  
15 that you would fill out at the Farm and Ranch  
16 Supply a ticket for Benavides Implement and Hard-  
17 ware?

18 MR. MITCHELL: Excuse me, Your Honor,  
19 for the record I would like to object to  
20 all of the testimony as to Exhibit marked  
21 E-60 for identification on the grounds --  
22 and to it, I suppose, he will offer it, but  
23 on the grounds it is hearsay to Judge  
24 Carrillo and it is, of course, irrelevant  
25 and immaterial on the present pleading

1 posture of the case. It goes beyond the  
2 original notice and the amended notice.

3 THE MASTER: Well, that objection is  
4 overruled.

5 MR. ODAM: Your Honor, for clarification,  
6 I would offer into evidence at this time  
7 E-60.

8 MR. MITCHELL: Well, we object to E-60  
9 on the grounds as to Judge Carrillo, it is  
10 hearsay, Your Honor, being a transaction by --  
11 between this man and the Benavides Implement  
12 and Hardware and somebody else.

13 THE MASTER: Well, it has got to be  
14 related, which, of course, it is not, but  
15 it is not hearsay, that objection is over-  
16 ruled.

17 MR. ODAM: I understand that E-60 is  
18 admitted in evidence.

19 THE MASTER: Yes, sir, it is admitted.

20 MR. MITCHELL: And, Your Honor, if we  
21 could, with a number of these copies that  
22 are originals, I would like to put into  
23 evidence, say, at the break or this after-  
24 noon, a xerox copy of E-60 and a number of  
25 others where we have originals.



1 THE MASTER: Yes, you have that permis-  
2 sion to do that, try to make them good xerox  
3 copies.

4 MR. ODAM: Yes, sir.

5 THE MASTER: Because this is a carbon  
6 and it is not easily legible in itself, and  
7 sometimes xerox can improve

8 MR. ODAM: Yes, sir, and for the  
9 benefit of the record, because of that, I  
10 know full well what you're referring to.  
11 I intend to go into what is written on the  
12 documents more than what I would ordinarily  
13 do because of the lack of clarity.

14 THE MASTER: I will permit that.

15 MR. ODAM: And it gets worse as we go  
16 down the line, the more copies that are  
17 made.

18 Q (By Mr. Odam:) So, Mr. Gonzalez, I will again  
19 show you what is marked as E-60 and for the purpose  
20 of clarification, if you could read it into the  
21 record what you personally wrote on this Bena-  
22 vides Implement and Hardware ticket?

23 A The date and everything, sir?

24 Q Yes, where the handwriting is.

25 THE MASTER: Anything that isn't

1 printed.

2 A All right.

3 THE MASTER: That is in your handwriting  
4 is what he is asking.

5 A It says March 30th, 1971, Duval County Precinct  
6 Number 2. My initials, and then check mark where  
7 it says charge, contract on fencing county roads  
8 and hauling.

9 Q And what is the amount of money there?

10 A One thousand eight hundred dollars.

11 Q One thousand what?

12 A I mean one thousand eight dollars.

13 Q And that appears both at the top of the ticket  
14 and the bottom and the total?

15 A Yes, sir.

16 Q Now, the last question that I had asked, which  
17 you can go ahead and answer and I will restate  
18 the question for you is, "You stated you filled  
19 this out at the Farm and Ranch Store"?

20 A Yes.

21 Q You filled out on a Benavides Implement and  
22 Hardware ticket, and I will ask you why you per-  
23 formed that service when you said you were not  
24 employed by Benavides Implement and Hardware,  
25 why did you do it that way?

1 A I told you that they told me, Ramiro Carrillo and  
2 O. P. Carrillo, when they first brought me this  
3 invoice register, told me that I had to do this  
4 because the Farm and Ranch could not sell to  
5 these governmental agencies.

6 Q You say they brought you a --

7 A A big box of invoices with these three -- three  
8 copies of this, a white, a yellow and a pink, and  
9 a box of some of this here (indicating) these  
10 are just white --

11 Q Now don't get into that yet.

12 MR. MITCHELL: Judge, may I ask again --  
13 object on the grounds of "they", I would  
14 like specifically to know if he is testify-  
15 ing under oath that Judge Carrillo brought  
16 him a box of invoices personally.

17 THE MASTER: I think that is a fair  
18 objection. They weren't speaking in stereo.

19 MR. ODAM: Yes, sir, I was again getting  
20 into that point.

21 THE MASTER: All right.

22 Q Now, when you say "they" I understand that unless  
23 people, and I am not suggesting this to be your  
24 answer, but just for clarification, and unless  
25 people -- and you say Ramiro Carrillo and O. P.,

1 unless they physically get up and do something  
2 together, you need to be more specific as to  
3 whom does something.

4 As best you can recall, if one person did  
5 anything, I'm talking about all of your testi-  
6 mony, refer to that person by name, refer to that  
7 person by name and if you say "they" clarify for  
8 the purpose of the Court and the record when  
9 you're referring to --

10 A All right.

11 Q Now, again let me state the question why, and  
12 be specific about it, why did you fill this  
13 ticket out on -- and I will shorthand it to call  
14 it --

15 A Because Ramiro Carrillo told me that the Farm  
16 and Ranch -- told me I couldn't sell direct to  
17 these governmental agencies and that I had  
18 to make it out on this Benavides Implement and  
19 Hardware register.

20 Q All right.

21 MR. ODAM: Will you mark this?

22 (Marked for identification by the  
23 reporter as Exhibit E-61.)  
24

25 Q Mr. Gonzalez, I will show you what the court

1 reporter has now marked as Exhibit E-61 and ask  
2 if you can identify this item.

3 A Well, this is --

4 Q When you say, "this", be sure --

5 A This is a statement.

6 Q You're referring to E-61?

7 A Yes, it is a statement that I used to send Bena-  
8 vides Implement so Farm and Ranch could get paid.

9 MR. MITCHELL: Now, we are going to  
10 object to that statement and move to strike  
11 it on the grounds that it is hearsay, Your  
12 Honor, and assuming that Counsel will offer  
13 it, to save time, we will also object to  
14 the introduction of E-61 as hearsay and  
15 beyond the scope of notice.

16 THE MASTER: Well, you have the latter  
17 objection standing but the hearsay objec-  
18 tion -- and it is overruled, but the hearsay  
19 objection is also overruled.

20 Q Now, E-61, can you state whether or not the hand-  
21 writing that appears on E-61 is your handwrit-  
22 ing?

23 A That is my handwriting, sir.

24 Q And could you read into the record what is  
25 written on there, not what is printed by machine.

1 but what is written on there starting at the  
2 top?

3 A Duval County Precinct Number 3, care of Juan  
4 Leal, 3-30-71, invoice number 6, one thousand  
5 eight dollars.

6 Q Is it your testimony that the one thousand  
7 eight dollars coincides and is the same as what  
8 appears on E-60?

9 A That's correct, sir, yes.

10 Q That these match up with each other?

11 A Yes.

12 Q The invoice number 6 that you wrote on E-61  
13 is the same 6 printed on E-60, is that right?

14 A That's correct, sir.

15 Q I notice that -- so this is your handwriting?

16 A Yes, sir.

17 MR. ODAM: We will offer into evidence,  
18 Your Honor, E-61.

19 THE MASTER: Well, it has previously  
20 been objected to and those objections are  
21 considered as being reurged at this time.

22 MR. MITCHELL: Yes, Your Honor.

23 THE MASTER: But they are overruled.

24 MR. MITCHELL: Thank you, Your Honor,  
25 and so that -- well, that does cover the

1 record. It is a transaction between parties,  
2 not, of course, shown to have any connection  
3 whatsoever with Judge Carrillo.

4 In other words, it is third party trans-  
5 actions between this witness and Duval  
6 County and Benavides Implement and Hardware.  
7 That is the basis for the hearsay.

8 THE MASTER: And I agree, unless Mr.  
9 Odam can correct it, that as of this time  
10 it is not -- it is not tied to Judge Carrillo  
11 whatsoever, but I consider it operative  
12 fact, just like any other contract, and that  
13 is not hearsay.

14 MR. ODAM: Your Honor, as to the objec-  
15 tion of relevancy, I will come to the rele-  
16 vancy of course.

17 THE MASTER: I assume you are not --

18 MR. ODAM: Yes, Your Honor. E-61 is  
19 admitted into evidence?

20 THE MASTER: Yes, sir.

21 Q You filled out E-60 and E-61. Once these were  
22 filled out, what would you, Mr. Gonzalez, person-  
23 ally do with these items?

24 A Well, it is just like I said, I made out this  
25 and then I would make out this statement so I

1 would know that they had to pay Farm and Ranch  
2 Supply and I kept one, and the other, I sent into  
3 Rudolfo Couling.

4 Q Now, which did you keep?

5 A I kept either the white one or the yellow one.

6 Q All right.

7 A I kept both of them, I just sent them in the  
8 pink slip. I kept the white and yellow one.

9 Q All right. So you sent both -- a copy of E-61  
10 and a copy of E-60 to whom?

11 A To Rudolfo Couling.

12 Q Both of them went to Rudolfo Couling?

13 A Yes, sir.

14 Q All right, now on E-61 --

15 MR. MITCHELL: Pardon me, Mr. Odam,  
16 I would move to strike that. It would  
17 likewise be a transaction on E-60 and E-61,  
18 it would likewise be a transaction between  
19 this witness and Rudolfo Couling and irre-  
20 levant and immaterial.

21 THE MASTER: Overruled.

22 MR. MITCHELL: May I have a running  
23 objection just to keep from interrupting  
24 Counsel?

25 THE MASTER: You can on irrelevant



1 and immaterial.

2 MR. MITCHELL: I'll be glad to do it,  
3 Judge, I just thought it might facilitate  
4 moving through this --

5 THE MASTER: But the thing is there  
6 may be some hearsay in here to which I would  
7 want to sustain the objection and it might  
8 slip by me -- no, you may have that stand-  
9 ing objection. I will just interrupt if I  
10 think it is hearsay.

11 MR. MITCHELL: Thank you, Judge.

12 Q Mr. Gonzalez, I show you back the original copy  
13 of E-61 and at the top of the sheet, can you  
14 state what is printed on E-61 -- by a machine  
15 and not by you?

16 A Here?

17 Q That's correct.

18 A That is Benavides, Texas, 78341. It is hardware,  
19 paint, Whirlpool appliances, and then statement.

20 Q All right, with respect to that, that is at the  
21 top of the paper, is that correct?

22 A Yes, sir.

23 Q Now, is that the way it was -- is that the way  
24 it was printed up or was there something that  
25 would appear ordinarily above it?

1 A It has been cut, somebody cut the top of it.

2 Q And do you know what it stated before it was cut  
3 off?

4 A Farm and Ranch Supply.

5 Q It stated Farm and Ranch Supply?

6 A Yes, sir.

7 Q Now, it says Duval County --

8 THE MASTER: I'm sorry, I don't know  
9 what Exhibit you are talking about.

10 MR. ODAM: E-61, sir.

11 THE MASTER: All right.

12 MR. ODAM: What is missing at the  
13 top of E-61, is Farm and Ranch Supply.

14 THE MASTER: All right.

15 MR. MITCHELL: Pardon me, Your Honor,  
16 may I ask him one question on voir dire?

17

18

19

20 VOIR DIRE EXAMINATION

21

22 BY MR. MITCHELL:

23

24 Q Mr. Gonzalez, did you know as a matter of personal  
25 knowledge that E-61 did have Farm and Ranch at the  
top of it at the time that you filled it in?

1 A Yes, sir.

2 Q All right, and you do not know who cut it off?

3 A No, sir.

4 Q All right.

5 MR. MITCHELL: Thank you, Your Honor.

6

7

8

9

EXAMINATION CONTINUED

10

BY MR. ODAM:

11

12 Q Now, with respect to both E-61 and E-60, it says  
13 Duval County Precinct 2.

14 A Yes, sir.

15 Q In care of Juan Leal. Can you identify, if you  
16 know, who Mr. Juan Leal is?

17 A He is the county commissioner for Precinct 2.

18 Q All right. Can you please state why it was that  
19 it was made out to the county precinct number 2?

20 MR. ODAM: Strike that question.

21 Q Let me ask you this, is Benavides in Precinct  
22 Number 2?

23 A No, sir.

24 Q Is Duval County divided up into Precincts?

25 A Yes, sir.

1 Q And Benavides is not in Precinct Number 2?

2 A No, sir.

3 MR. MITCHELL: We would object to any  
4 further testimony as to Juan Leal on the  
5 grounds we are not charged with any conspir-  
6 acy with Juan Leal at all and it goes way  
7 beyond the notice in the formal or the  
8 original notice. Your Honor.

9 THE MASTER: You are undertaking to  
10 prove a conspiracy with Juan Leal?

11 MR. ODAM: No, sir.

12 THE MASTER: All right, the objection  
13 is overruled.

14 MR. MITCHELL: Then, Your Honor, we  
15 move to strike it on the grounds it is  
16 irrelevant and immaterial to this proce-  
17 dure.

18 THE MASTER: That is overruled, but  
19 you have that standing objection.

20 Q Now, why did you -- if Benavides, Texas, is  
21 not in Precinct Number 2, and I believe it is  
22 your earlier testimony it is in Precinct Number 3,  
23 of which Ramiro Carrillo was the commissioner?

24 A Yes, sir.

25 Q Can you explain why, if you know, why you would

1           out Precinct Number 2 as opposed to Precinct  
2           Number 3 if --

3           A    Because I was instructed to do it since this  
4           invoice was by Ramiro Carrillo, he told me to  
5           make a ticket for a thousand dollars or a thousand  
6           and eight dollars or just a thousand dollars  
7           something, just don't make it even.

8                     I told him, what do I write on it, and he  
9           said, "Just write anything, rental of equipment,  
10          rent tractor or hauling caliche, or building  
11          fences, write anything you want to." I just  
12          went ahead with whatever came up to my mind.

13                    MR. MITCHELL: Excuse me, Your Honor,  
14                    may I ask the witness -- I would like to  
15                    know who he is talking about.

16                    THE MASTER: He said Ramiro Carrillo.

17                    MR. MITCHELL: Thank you, Judge Meyers.  
18                    It would be hearsay as to Judge O. P.  
19                    Carrillo.

20                    THE MASTER: I take it it is not  
21                    offered, let's see, let's examine that.  
22                    Mr. Odam.

23                    MR. FLUSCHE: It is not offered for  
24                    proving the truthfulness of the statement.

25                    MR. MITCHELL: No, wait a minute, Judge.

1 THE MASTER: I will overrule the hear-  
2 say objection.

3 Q (By Mr. Odam:) Now, Mr. Gonzalez, again we're  
4 staying right now on E-61, and E-60. Referring  
5 specifically to E-61 -- correction, I'm sorry,  
6 E-60, for specific reference to the question I  
7 will ask you: Can you state again for the record  
8 what is stated as being the description of what-  
9 ever was done?

10 A It is contract on fencing and roads and hauling.

11 Q Contract on fencing and roads and hauling?

12 A Yes.

13 Q Now, can you state, if you know, who did the  
14 fencing that is referred to on the ticket.

15 A No, sir.

16 Q You don't know?

17 A No, sir.

18 Q To your personal knowledge, was there fencing  
19 in fact done as stated on this ticket?

20 A No, sir.

21 Q Well, it says it is for fencing and roads and  
22 hauling, what hauling were you charging Precinct  
23 Number 2 for?

24 A Since he told me just to write -- Ramiro Carrillo  
25 told me to write just anything that comes to

1 your mind, like fencing or hauling caliche or  
2 tractor, making caliche.

3 Q Was it your --

4 MR. MITCHELL: We move to strike that,  
5 of course, as hearsay as to this witness.  
6 Judge.

7 THE MASTER: That is overruled.

8 Q And is it your testimony that there was not, in  
9 fact, hauling done?

10 A No, because I made this -- this part here, I  
11 made it out on my own.

12 Q So you just -- is it your testimony you just  
13 made up something?

14 A Yes, sir.

15 Q Does it -- if you know, again, this is made up  
16 on Benavides Implement and Hardware, does Bena-  
17 vides Implement and Hardware have personnel to  
18 do fencing?

19 A No, sir.

20 Q Does Benavides Implement and Hardware, to the  
21 best of your knowledge, have --

22 THE MASTER: Now, you're asking present  
23 tense questions.

24 MR. ODAM: I am sorry.

25 MR. MITCHELL: And, of course, questions

1 of an entity that are not a party to this  
2 suit and which he was not working for. We  
3 move that is hearsay and no personal knowl-  
4 edge.

5 THE MASTER: You have not shown personal  
6 knowledge.

7 MR. ODAM: Let me restate the question.

8 Q Let me restate back again, to the date, what is  
9 the date referred to on here?

10 A March the 30th.

11 Q Of what year?

12 A 1971.

13 Q 1971. Do you have personal knowledge as to  
14 whether or not Benavides Implement and Hardware  
15 had trucks for hauling that is referred to on  
16 this ticket, that they were billing the county?

17 A Well, no, not that I know of, sir.

18 Q But you stated that you didn't work for Benavides  
19 Implement and Hardware?

20 A No, sir, I didn't work for them.

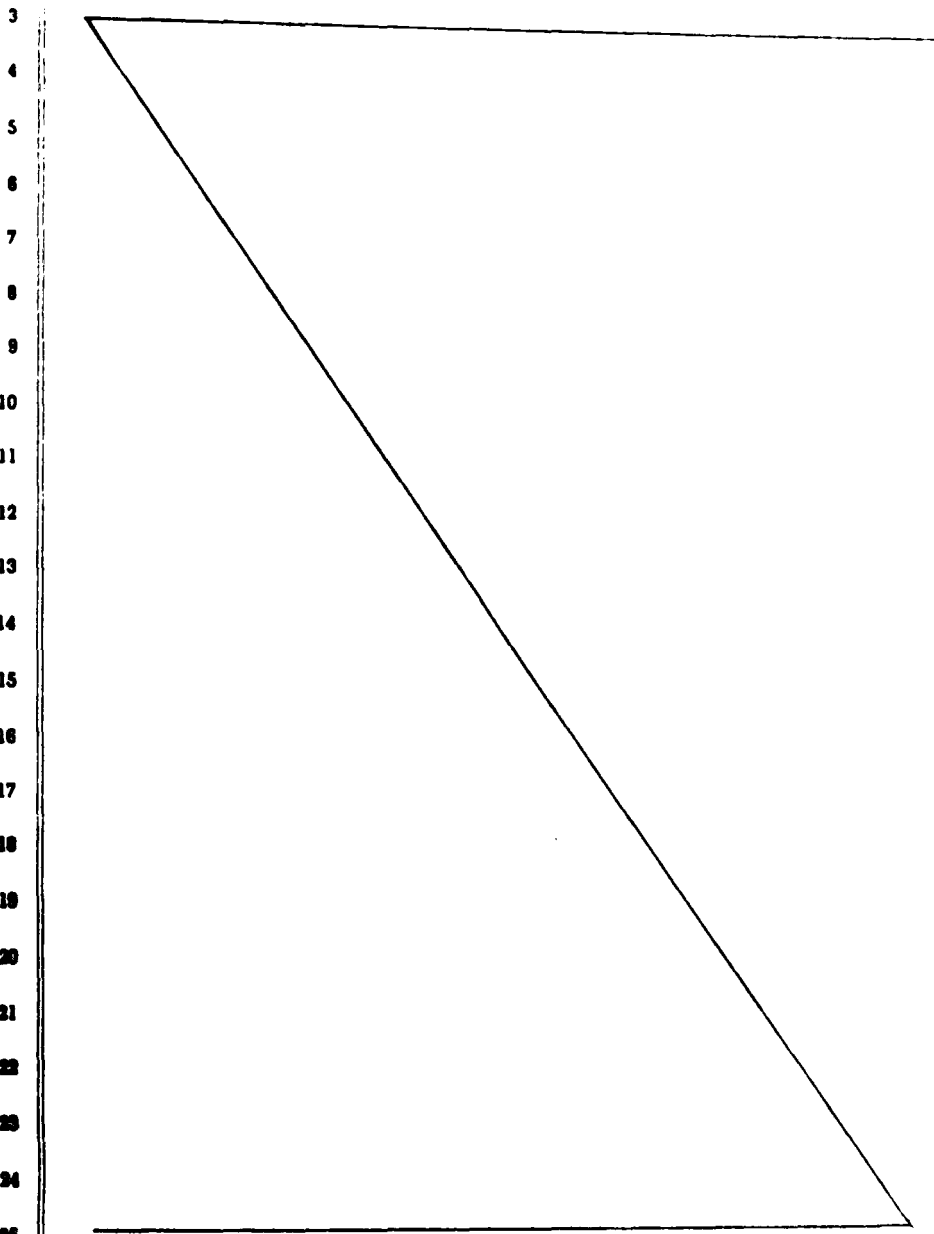
21 Q And it was your testimony in 1971, and again, if  
22 you know, whether or not they had personnel to  
23 do the fencing that was being charged to the  
24 county, if you know.

25 A Farm and Ranch?



1 Q No, sir, Benavides Implement and Hardware.

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



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1 Q Mr. Gonzalez, if you know, once these tickets  
2 were filled out, E-60 and E-61, do you know  
3 whether or not these tickets were ever sent to  
4 the county for this, for which the contract was  
5 made out? If these tickets, if you know, ever go  
6 to the county for payment?

7 A I can't say, I sent them to Rudolfo Couling.

8 Q All right, sir. For the purpose of this --

9 MR. ODAM: I would like at this time,  
10 Your Honor, to go into Article eight with  
11 respect to the same items since we have this  
12 witness on.

13 THE MASTER: Yes, I don't think we are  
14 going to finish with Mr. Gonzalez today. I  
15 take it your follow-up witness is Mr.  
16 Couling?

17 MR. ODAM: Yes, sir.

18 THE MASTER: I think you can do that with  
19 each count.

20 MR. ODAM: Seven and eight?

21 THE MASTER: Yes, and get finished  
22 with this witness.

23 MR. ODAM: I would like to take him  
24 through all of them.

25 THE MASTER: That is fine. That is

1                    what I would like for you to do as well.

2                    MR. ODAM:    Then, Mr. Gonzalez can get  
3                    on with his business.

4                    THE MASTER:   I agree with that.

5                    MR. ODAM:    Okay, Your Honor.

6                    Q (By Mr. Odam:) Mr. Gonzalez, I refer you at this  
7                    time --

8                    MR. ODAM:    Mark these as Exhibits 62  
9                    and 63.

10                    (The above-mentioned documents were  
11                    marked E-62 and 63 for identification.)

12  
13                    Q I refer you to E-62 and to E-63. E-63, we will  
14                    take up first, that is what I will refer to.

15                    A Uh-huh.

16                    Q First of all, if you could, state whether or not  
17                    the item, E-63, was or was not filled out by you?

18                    A It was by me.

19                    Q How do you know that?

20                    A It is my handwriting and these are my initials  
21                    here.

22                    Q Where is it identified with your initials on it?

23                    A On sold by.

24                    Q And that is a C.G.?

25                    A Yes.

1 Q And you personally filled out this title?

2 A Yes.

3 MR. ODAM: We offer in evidence  
4 Exhibit E-63.

5 MR. MITCHELL: Hearsay and beyond the  
6 scope, Judge.

7 THE MASTER: If you want, we are  
8 proceeding in the same path, it appears,  
9 as we proceeded on Number 60 and 61, so  
10 I will give you every objection you have  
11 there.

12 MR. MITCHELL: Thank you, Judge Meyers.

13 THE MASTER: E-63 is admitted.

14 (Examiner's Exhibit 63 was admitted  
15 in evidence.)  
16

17 Q (By Mr. Odam:) Now, referring to E-63, admitted  
18 into evidence, could you first describe what E-63  
19 is?

20 A It is an invoice made to Duval County in care of  
21 Juan Leal, Jr.

22 Q What statement is it on?

23 A Benavides Implement and Hardware.

24 Q Is it similar to E-60?

25 A Yes.

1 Q Is this your handwriting?

2 A Yes.

3 Q And for the purpose of the record, so we have it  
4 straight, could you read what is handwritten out?

5 A June 30th, 1971, Duval County, care of Mr. Juan  
6 Leal, Jr., sold by me, C.G., and it is charged --  
7 it is rental equipment and contract hauling for  
8 caliche, county roads.

9 Q What is the amount of money?

10 A One thousand eighteen dollars sixty-five cents.

11 Q Now, I show you what has been marked as E-62 and  
12 ask you if you can identify this?

13 A That is the statement I sent to Mr. Couling so  
14 Farm and Ranch would be paid.

15 Q Now, E-62, is this your handwriting on it as you  
16 identified on E-61?

17 A Yes, sir.

18 MR. ODAM: I offer in evidence E-62.

19 MR. MITCHELL: Same objection, Your  
20 Honor.

21 THE MASTER: Overruled and it is  
22 admitted.

23 (Examiner's Exhibit 62 was admitted  
24 into evidence.)  
25

1 Q Now, for the purpose of the record, Mr. Gonzalez,  
2 if you could read what is handwritten on E-62?

3 A Benavides Implement and Hardware Company.

4 Q Let me stop you right there. What is this item  
5 torn off as it was in E-61?

6 A Yes.

7 Q You wrote that on there?

8 A Yes. I don't know why I did it.

9 Q But the same thing with this, it is your testimony  
10 that is the same as on E-62, it is what was had  
11 been above and it should have been Farm and  
12 Ranch Store?

13 A Yes.

14 Q All right. Go ahead and read it.

15 A June 30th. That is when I sent the statement  
16 invoice, Number 109, amount One thousand eighteen  
17 dollars sixty-five cents.

18 Q Now, E-62, is it -- does it go with E-63?  
19 In other words, one thousand eighteen sixty-five  
20 cents?

21 A Yes.

22 Q And on E-62, I take it invoice 109 is invoice 109  
23 on E-63?

24 A Yes, sir.

25 Q I will ask you, with respect to the description that

1 appears on E-63, where it says work performed or  
2 description, rental equipment, to the best of your  
3 personal knowledge, did Benavides Hardware and  
4 Implement do anything for Duval County on or about  
5 June 30, 1971?

6 MR. MITCHELL: I object as hearsay.

7 THE MASTER: Overruled.

8 THE WITNESS: I don't know, sir, I made  
9 that statement.

10 Q You cannot say whether the equipment was rented or  
11 not?

12 A No, sir.

13 Q You were told to write that on there?

14 A Yes.

15 Q And the same with respect to hauling caliche?

16 A Yes, I made it up myself.

17 Q It is your testimony you wrote on there yourself  
18 what was done?

19 A Yes, sir.

20 Q You just made it up?

21 A Well, it is just like what Ramiro Carrillo told me  
22 to do.

23 Q Just make up something?

24 A Yes, sir.

25 Q How did you come up with the figure of one thousand

1           eighteen dollars sixty-five cents?

2           A   He told me not to make it an even amount.  He said  
3           make it nine hundred something or whatever, but he  
4           didn't want to make it a thousand.

5           Q   So you just made up a figure?

6           A   Yes, sir.

7           Q   It could have been a thousand nineteen or a  
8           thousand and two?

9           A   Yes.

10          Q   Just as long as it was not a thousand even?

11          A   Yes.

12          Q   Now, after E-63, and the statement E-62, once  
13          these were made up, what did you do with these  
14          two copies I have here in my hand?

15          A   I sent them to Rudolfo Couling.

16          Q   At the Benavides Implement and Hardware?

17          A   Yes, sir.

18                         MR. ODAM:  Your Honor, at this time,  
19                         we would take up paragraph nine.

20                         THE MASTER:  How many more do you have?

21                         MR. ODAM:  As I recall, I know at least  
22                         nine and ten and a part in eleven, but there  
23                         are some more.  Definitely nine and ten.

24                         THE MASTER:  And I take it there would  
25                         be some cross-examination?



1 MR. MITCHELL: Yes, Judge, if I can  
2 inform myself between now and that time, yes.

3 Excuse me, Your Honor, I didn't  
4 mean to make light about it.

5 THE MASTER: If we could possibly get  
6 through, I would like to do so, but I don't  
7 believe we can and I believe in light of the  
8 objection on preparation that we ought not  
9 to try.

10 Do you want to try to push on?

11 MR. ODAM: I could push on on direct,  
12 Your Honor, but I would have to agree with  
13 the Court. I don't know if Mr. Mitchell --  
14 well, I will make no comment on that.  
15 I will go forward. I think Mr. Mitchell will  
16 be prepared to ask these questions about  
17 these items and I think we can go ahead on  
18 the cross today. He probably has a lengthy  
19 cross-examination and I can go ahead with the  
20 direct and if he wants to go to the cross  
21 today, that is fine with me, I can push on.

22 THE MASTER: But, in a practical matter,  
23 there is no way of finishing with Mr.  
24 Gonzalez today?

25 MR. CDAM: With direct, I could.

1 THE MASTER: Well, can you come back,  
2 Mr. Gonzalez?

3 THE WITNESS: This afternoon?

4 THE MASTER: No, I don't know when,  
5 that is the problem.

6 Where will you go after today?

7 THE WITNESS: I have to go into Federal  
8 Court here tomorrow.

9 THE MASTER: Well, in that case, it  
10 doesn't matter, then, I was trying to save  
11 you some time, but I can't do anything about  
12 that, so we will be in recess subject to  
13 recall.

14 (Whereupon, the hearing was in recess  
15 from 1 o'clock p.m. November 13, 1975, until  
16 a time period to be determined at a later  
17 date.)  
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